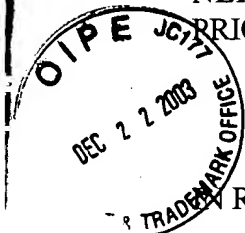


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37 CFR 1.192 APPEAL BRIEF

Sir:

In response to the final office action mailed July 22, 2003, the applicants appeal.

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I. **37 CFR 1.192(a)**

This brief is filed in triplicate, is accompanied by the fee set forth in 37 CFR 1.17(c), and sets forth the authorities and arguments on which the appellant will rely to maintain the appeal.

II. **37 CFR 1.192(b)**

The filing is timely. Accordingly, this subsection is not relevant.

III. **37 CFR 1.192(c)**

A. **37 CFR 1.192(c)(1) - Real Party in Interest**

The real party in interest is Catalina Marketing International, Inc., a Delaware corporation, which is wholly owned by Catalina Marketing Corporation, a Florida corporation.

B. **37 CFR 1.192(c)(2) - Related Appeals and Interferences**

There are no related pending appeals, pending interferences, or requests for interferences known to the appellant's representative or the appellant's assignee. However, the parent application is the subject of a 35 USC 154(b)(4)(A) suit for patent term extension. See District of Columbia District Court Civil Docket No. 03-1198 (RMC).

C. **37 CFR 1.192(c)(3) - Status of Claims**

Claims 1-101 are canceled.

Claims 102-211 are pending, rejected, and under appeal.

D. **37 CFR 1.192(c)(4) - Status of Amendments**

A 37 CFR 1.116 Amendment After Final, canceling claims 198 and 199 is submitted herewith.

E. **37 CFR 1.192(c)(5) - Summary of the Claimed Inventions**

The claimed inventions (claims 102, 148) provide a system and method for transmitting a customer's customer identification from a kiosk to a computer (page 9 line 23 through page 10 line 3); with the computer in communication with at least one database (1) containing incentive offer criteria associated with an identification of a product (page 13 lines 20-23) and (2) containing customer shopping habit data associated with the customer identification (page 15 lines 3-4); determining incentive offer criteria satisfied by the customer's customer shopping habit data (page 11 lines 11-17); communicating to the kiosk an incentive offer for the product associated with the incentive offer criteria satisfied by the customer's customer shopping habit

data (page 11 lines 17-19); inputting at a POS terminal of a retail store a customer identification in association with an identification of an item of a product being purchased by the customer (page 13 lines 15-23); and providing the incentive to the customer when the customer purchases the product at the POS terminal (page 14 lines 6-8).

Claims 103 and 149 provide a system and method in which the kiosk is located near the retail store (page 9 lines 18-19).

Claims 104 and 150 provide a system and method in which the kiosk is located in the retail store (page 9 line 17).

Claims 105 and 151 provide a system and method in which the kiosk is located near an entrance of the retail store (page 9 lines 18-19).

Claims 106 and 152 provide a system and method in which at least one additional kiosk is located away from an entrance of the retail store (page 9 lines 19-20).

Claims 107 and 153 provide a system and method in which the kiosk comprises a booth or housing (page 9 lines 17-18).

Claims 108 and 154 provide a system and method in which the customer identification is read into a customer interface of the kiosk (page 9 line 23 through page 10 line 3).

Claims 109 and 155 provide a system and method in which the customer interface comprises a dumb terminal and an interactive terminal (page 10 lines 3-5).

Claims 110 and 156 provide a system and method in which the customer interface comprises a touch screen interface (page 10 lines 5-7).

Claims 111 and 157 provide a system and method in communicating to the kiosk an incentive offer for the product comprises printing the incentive offer (page 10 lines 10-12).

Claims 112 and 158 provide a system and method in which the step of printing comprises thermal printing using a thermal printer (page 10 lines 12-15).

Claims 113 and 159 provide a system and method in which the step of printing comprises printing at a rate of at least 500 lines per minute (page 10 lines 15-16).

Claims 114 and 160 provide a system and method comprising the steps of transmitting an identification of a product from the kiosk to the computer, wherein the computer is in communication with a database containing price data in association with product identification

(page 11 lines 13-17); and transmitting the product's price data from the computer to the kiosk (page 11 lines 17-19).

Claims 115 and 161 provide a system and method that displays the product's price data at the kiosk (page 11 lines 17-22).

Claims 116 and 162 provide a system and method in which the POS terminal is spaced apart from the kiosk (page 11 lines 2-3).

Claims 117 and 163 provide a system and method in which the step of inputting comprises reading the customer identification at the POS terminal (page 13 lines 15-17).

Claims 118 and 164 provide a system and method in which the step of inputting comprises reading an identification of the product (page 13 lines 17-20).

Claims 119 and 165 provide a system and method in which the computer is a store level computer and the step of transmitting incentive offer criteria is from a supervisory computer to the store computer (page 13 lines 7-11).

Claims 120 and 166 provide a system and method in which the step of displaying at the kiosk a list of incentive offers for products associated with incentive offer criteria is satisfied by the customer's customer shopping habit data (page 13 line 17 through page 14 line 1).

Claims 121 and 167 provide a system and method which displays at the kiosk a list of all incentive offers for products associated with incentive offer criteria satisfied by the customer's customer shopping habit data (page 13 line 23 through page 14 line 1).

Claims 122 and 168 provide a system and method further comprising the step of displaying at the kiosk a list of incentive offers for products (1) associated with incentive offer criteria satisfied by the customer's customer shopping habit data and (2) that meet criteria independent of the customer's shopping habit data (page 11 lines 11-19; page 12 lines 18-22).

Claims 123 and 169 provide a system and method which further comprise the step of setting a time limit to the incentive offer (page 11 lines 22-23; page 16 lines 9-12).

Claims 124 and 170 provide a system and method in which the time limit is on the order of a few hours (page 11 lines 22-23).

Claims 125 and 171 provide a system and method in which the time limit is about 3 hours (page 11 lines 22-23).

Claims 126 and 172 provide a system and method which determines incentive offers for the customer based upon product stock availability (page 17 lines 10-16).

Claims 127 and 173 provide a system and method which determines incentive offers for the customer based upon a quantity of the customer's customer shopping habit data associated with the customer's customer identification stored in the database (page 13 line 23 through page 14 line 8).

Claims 128 and 174 provide a system and method which further comprises limiting a number of incentive offers communicated to the kiosk for the customer to a predetermined number (page 12 lines 20-22).

Claims 129 and 175 provide a system and method which further comprises displaying at the kiosk for the customer (1) broadcast special offers and (2) offers that depend upon whether the customer's customer shopping habit data meets the incentive offer criteria (page 11 lines 13-17).

Claims 130 and 176 provide a system and method which further comprises displaying at the kiosk for the customer broadcast special offers to the customer only if less than a predetermined quantity of customer shopping habit data associated with the customer identification is stored in the database (page 12 lines 1-4).

Claims 131 and 177 provide a system and method further comprising determining a number of product incentive offers for which the customer's shopping habit data satisfies the incentive offer criteria (page 13 line 17 through page 14 line 1); ranks the product incentive offers for which the customer's shopping habit data satisfies the incentive offer criteria (page 12 line 22 through page 13 line 1); and displays, based upon the ranking, a predetermined number of the ranked incentive offers at the kiosk to the customer (page 12 lines 20-22).

Claims 132 and 178 provide a system and method in which the ranking depends upon value of the incentive (page 13 lines 1-2).

Claims 133 and 179 provide a system and method in which the ranking depends upon price of the product (page 12 line 22 through page 13 line 1).

Claims 134 and 180 provide a system and method in which the ranking depends upon a stock condition (page 13 lines 7-14 and page 17 lines 10-16).

Claims 135 and 181 provide a system and method which determines a number of product incentive offers for which the customer's shopping habit data satisfies the incentive offer criteria (page 13 line 17 through page 14 line 1); provides at the kiosk a first predetermined number of the incentive offers to the customer (page 13 lines 20-23); and provides at the kiosk a second predetermined number of broadcast incentive offers to the customer (page 13 line 23 through page 14 line 6).

Claims 136 and 182 provide a system and method further comprising the step of downloading to the POS terminal a list containing identifications of all products for which incentive offer criteria associated with an identification of a product are stored in the database (page 13 lines 20-23).

Claims 137 and 183 provide a system and method further comprising downloading to the POS terminal a list containing identifications of all products for which incentive offers are available to the customer (page 13 lines 15-23).

Claims 138 and 184 provide a system and method in which the customer shopping habit data comprises incentive receipt data for the customer's receipt of incentives (page 15 lines 3-4).

Claims 139 and 185 provide a system and method in which the customer shopping habit data comprises a quantity of incentive offers for a product provided to the customer (page 14 line 22 through page 15 line 1).

Claims 140 and 186 provide a system and method in which the customer shopping habit data is associated with an indication of a household associated with the customer (page 15 lines 5-12).

Claims 141 and 187 provide a system and method in which the step of providing the customer means to opt out of having incentive offer criteria being based upon household identification (page 15 lines 12-13).

Claims 142 and 188 provide a system and method in which the incentive offer criteria associated with an identification of a product comprises a time after which the incentive offer is no longer available (page 16 lines 6-12).

Claims 143 and 189 provide a system and method comprising the steps of classifying products by category and manufacturer (page 16 lines 1-5; page 16 lines 13-16); and limiting

incentive offers for products in a category to one manufacturer (page 16 lines 17-21).

Claims 144 and 190 provide a system and method comprising transmitting a customer's store identification from the kiosk to the computer, wherein the computer is a first store computer (page 9 line 23 through page 10 line 3 and page 40 lines 7-9); determining that the store identification identifies a second store (page 16 line 22 through page 17 line 2); and querying a second store level computer for the second store for customer shopping habit data associated with the customer identification (page 17 lines 2-3 and page 40 line 18).

Claims 145 and 191 provide a system and method further comprising the step of depending a value of an incentive offer provided at the kiosk upon whether the customer received a prior incentive (page 17 lines 17-23).

Claims 146 and 192 provide a system and method in which the value is increased if a prior incentive offer to the customer was not accepted (page 17 lines 17-21).

Claims 147 and 193 provide a system and method wherein the incentive criteria depend upon time since a customer's last purchase (page 17 line 17 through page 18 line 1).

Claims 194 and 195 provide a computer implemented system and method comprising the steps of transmitting a customer's customer identification from a kiosk to a computer (page 9 line 23 through page 10 line 3), the computer in communication with at least one database (1) containing incentive offer criteria associated with an identification of a product (page 16 lines 9 - 12) and (2) containing customer shopping habit data associated with the customer's customer identification (page 15 lines 3-4); determining incentive offer criteria satisfied by (1) the customer's customer shopping habit data and (2) product stock availability data (page 11 lines 11-17 and page 17 lines 10-16); communicating to the kiosk an incentive offer for the product associated with the incentive criteria satisfied by the customer's customer shopping habit data and product stock availability data (page 11 lines 11-19); and providing the incentive to the customer at a POS terminal when the customer purchases the product (page 14 lines 6-8).

Claims 196 and 197 provide a computer implemented system and method comprising the steps of transmitting incentive offer criteria associated with an identification of a product from a supervisory computer to a store level computer for a store, the store level computer in communication with at least one database (1) for storing the incentive offer criteria associated

with an identification of a product (page 16 lines 13-16) and (2) containing customer shopping habit data associated with the stores customers' customer identifications (page 16 lines 1-3); determining a determination at the store level computer if the incentive offer criteria is satisfied by a customer's customer shopping habit data (page 11 lines 11-17); and depending upon the determination, providing the incentive to the customer at a POS terminal of the store when the customer purchases the product (page 14 lines 6-8).

Claims 198 and 199 provide a computer implemented system and method comprising the steps of storing in one or more databases incentive offer criteria associated with an identification of a product and customer shopping habit data associated with a customer's customer identification (page 13 lines 17-23); wherein the incentive offer criteria includes a quantity of the customer's customer shopping habit data associated with the customer's customer identification (page 13 line 23 through page 14 line 8); determining a determination if incentive offer criteria associated with the identification of the product is satisfied by the customer's customer shopping habit data (page 11 lines 11-17); and depending upon the determination, providing to the customer the incentive at a POS terminal of the store when the customer purchases the product (page 14 lines 6-8).

Claims 200 and 201 provide a computer implemented system and method comprising the steps of transmitting a customer's customer identification from a kiosk to a computer (page 9 line 23 through page 10 line 3), the computer in communication with at least one database (1) containing incentive offer criteria associated with an identification of a product (page 16 lines 9-12) and (2) containing customer shopping habit data associated with the customer identification (page 15 lines 3-4); determining incentive offer criteria satisfied by the customer's customer shopping habit data (page 11 lines 11-17); communicating to the kiosk an incentive offer for the product associated with the incentive offer criteria satisfied by the customer's customer shopping habit data (page 11 lines 17-19); and communicating broadcast special offers to the kiosk and only if less than a predetermined quantity of customer shopping habit data associated with the customer identification is stored in the database storing customer shopping habit data (page 13 lines 1-14).

Claims 202 and 206 provide a computer implemented system and method comprising the

steps of transmitting a customer's customer identification from a kiosk to a computer (page 9 line 23 through page 10 line 3), the computer in communication with at least one database (1) containing incentive offer criteria associated with an identification of a product (page 16 lines 9-12) and (2) containing customer shopping habit data associated with the customer's customer identification (page 15 lines 3-4); ranking the product incentive offers for which the customer's shopping history criteria satisfies the incentive offer criteria (page 18 lines 11-14); and displaying, based upon the ranking, only a predetermined number of the ranked incentive offers at the kiosk, according to the ranking of the incentive offers (page 12 lines 18-22).

Claims 203 and 207 provide a system and method wherein the ranking depends upon values of incentives defined by the incentive offers (page 12 line 22 through page 13 line 4).

Claims 204 and 208 provide a system and method wherein the ranking depends upon prices of products associated with the incentive offers (page 12 line 22 through page 13 line 4).

Claims 205 and 209 provide a system and method wherein the ranking depends upon a stock condition (page 13 lines 7-14 and page 14 line 22 through page 15 line 1).

Claim 210 provides a system for presenting customized special offers to customers, the special offers including targeted offers to a customer selected from a plurality of customers, and for collecting purchasing behavior information concerning the customers, the system comprising at least one computer (page 6 lines 11-13); means for sending information from the customized offer list to at least one check-out (page 14 lines 2-6); means for presenting customized special offers to customers, wherein the special offers include targeted offers to a customer selected from a plurality of consumers (page 10 lines 8-10); and means for collecting purchasing behavior (page 15 lines 3-4).

Claim 211 provides a system for presenting special offers to customers of a chain of stores, the special offers including customized targeted offers for specified customers, the system comprising a supervisory computer (page 6 lines 11-13); store level computers (page 6 lines 11-13); with the supervisory computer networked to the store level computers, wherein the supervisory computer periodically downloads special offers to the store level computers (page 6 lines 19-21); means for generating a customized list of special offer available to a particular customer (page 6 lines 7-8); and means for presenting special offers to customers of a chain of

stores (page 7 lines 8-11).

F. 37 CFR 1.192(c)(6) - Issues

Whether the rejection of each one of claims 102-211, under 35 USC103 (a), based upon United States patent no. 6,321,208 to Barnett et al. (hereinafter “Barnett”), should be reversed.

G. 37 CFR 1.192(c)(7) - Grouping of Claims

Claims 102, 118, 148, 164, 194, 195, 200-202, and 206 define a separate group. Claims 196-199 define a separate group. Claim 210 defines a separate group. Claim 211 defines a separate group. Claims 103-105, 149-151 define a separate group. Claims 106 and 152 define a separate group. Claims 107 and 153 define a separate group. Claims 108 and 154 define a separate group. Claims 109 and 155 define a separate group. Claims 110 and 156 define a separate group. Claims 111 and 157 define a separate group. Claims 112 and 158 define a separate group. Claims 113 and 159 define a separate group. Claims 114 and 160 define a separate group. Claims 115 and 161 define a separate group. Claims 116 and 162 define a separate group. Claims 117 and 163 define a separate group. Claims 119 and 165 define a separate group. Claims 120 and 166 define a separate group. Claims 121 and 167 define a separate group. Claims 122 and 168 define a separate group. Claims 123 and 169 define a separate group. Claims 124 and 170 define a separate group. Claims 125 and 171 define a separate group. Claims 126 and 172 define a separate group. Claims 127 and 173 define a separate group. Claims 128 and 174 define a separate group. Claims 129 and 175 define a separate group. Claims 130 and 176 define a separate group. Claims 131 and 177 define a separate group. Claims 132, 178, 203, and 207 define a separate group. Claims 133, 179, 204, 208 define a separate group. Claims 134, 180, 205, 209 define a separate group. Claims 135 and 181 define a separate group. Claims 136 and 182 define a separate group. Claims 137 and 183 define a separate group. Claims 138 and 184 define a separate group. Claims 139 and 185 define a separate group. Claims 140 and 186 define a separate group. Claims 141 and 187 define a separate group. Claims 142 and 188 define a separate group. Claims 143 and 189 define a separate group. Claims 144 and 190 define a separate group. Claims 145 and 191 define a separate group. Claims 146 and 192 define a separate group. Claims 147 and 193

define a separate group.

H. 37 CFR 1.192(c)(8) - Argument

1. 37 CFR 1.192(c)(8)(i) - First Paragraph 35 USC 112

There are no rejections under the first paragraph of 35 USC 112. Therefore, this subsection is inapplicable.

2. 37 CFR 1.192(c)(8)(ii) - Second Paragraph 35 USC 112

There are no rejections under the second paragraph of 35 USC 112. Therefore, this subsection is inapplicable.

3. 37 CFR 1.192(c)(8)(iii) - 35 USC 102

There are no rejections under 35 USC 102. Therefore, this subsection is inapplicable.

4. 37 CFR 1.192(c)(8)(iv) - Rejections under 35 USC 103(a) Based Upon USP 6,321,208 to Barnett

a. Rejections Under 103(a) of Claims 102, 148, 194-202, 206, 210, and 211

(1) The Examiner's Argument

In support of the rejections of claims 102, 148, 194-202, 206, 210, and 211 under 35 USC 103(a) as being unpatentable over Barnett, the examiner stated that:

Claims 102, 148, 194, 195, 196, 197, 198, 199, 200, 201, 202, 206, 210, 211: Barnett discloses a computer implemented method, system comprising the steps of:

transmitting a customer's customer identification from a kiosk to a computer (col 3, lines 35-45; col 4, lines 48-60; col 14, lines 15-30), said computer in communication with at least one database (1) containing incentive offer criteria associated with an identification of a product and (col 8, lines 14-25; col 11, lines 24-30; col 4, lines 40-49) (2) containing customer shopping habit data associated with said customer identification (col 8, lines 33-38; col 12, lines 37-63; col 13, lines 24-35);

determining incentive offer criteria satisfied by said customer's customer shopping habit data (col 8, lines 14-22; col 12, lines 37-63);

communicating to said kiosk an incentive offer for said product associated with said incentive offer criteria satisfied by said customer's customer shopping habit data (col 9, lines 45-67; col 12, lines 37-63);

inputting at a POS terminal of a retail store a customer identification in association with an identification of an item of a product being purchased by said customer (col 7, lines 35-55; col 4, lines 64-67; Fig. 1); and

providing said incentive to said customer when said customer purchases

said product at said POS terminal (col 4, lines 64-67; Fig. 1).

Barnett does not explicitly disclose that the personal computer where the coupons are selected can be a kiosk. Barnett does disclose that the coupon obtainment device can be wired or wireless (col 13, lines 35-45; col 6, lines 35-45) and thus flexible as to its location. Barnett further discloses a kiosk where coupons can be selected and obtained (col 3, lines 35-45).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that Barnett's coupon selection and obtainment device or computer can be a kiosk. One would have been motivated to do this because a kiosk is a convenient way of obtaining coupons.

Barnett further discloses the step of determining incentive offers for said customer based upon product stock availability (col 10, lines 31-38; col 10, lines 20-25) and that items in stock and coupons can be correlate along with customer shopping habit data (col 10, lines 22-25; col 10, lines 27-30; col 10, lines 44-47).

Barnett further discloses that a supervisor computer can transfer incentive information to a store level computer (Fig. 1).

Barnett further discloses displaying at said kiosk for said customer (1) broadcast special offers and (2) offers that depend upon whether said customer's customer shopping habit data meets said incentive offer criteria (col 10, lines 1-30; col 12, lines 37-62).

Barnett further discloses the steps of determining a number of product incentive offers for which said customer's shopping habit data satisfies said incentive offer criteria;

ranking said product incentive offers for which said customer's shopping habit data satisfies said incentive offer criteria;

displaying, based upon said ranking, a predetermined number of the ranked incentive offers at said kiosk to said customer (col 9, lines 15-22; col 10, lines 1-30; col 12, lines 37-62; col 10, lines 1-16). [Office action mailed July 22, 2003 page 2 line 17 to page 4 line 14.]

The examiner also stated that:

Examiner further notes that Barnett was utilized as a 103(a) prior art rejection combining Barnett with Barnett. Barnett was combined with itself for the 103(a) rejection because not all features are explicitly stated by Barnett. However, the features would have been obvious to Barnett at the time of invention based on the entire disclosure of Barnett. Particularly, the Background of the Invention section of Barnett's disclosure discloses many additional features that would've been obvious to Barnett to add to his invention. [Office action mailed July 22, 2003 page 15 lines 6-7.]

In reply, the applicants respectfully submit that the rejections of claims 102, 148, 194-202, 206, 210, and 211 under 35 USC 103(a) should be reversed because they are not supported by either substantial evidence or proper legal conclusions.

(2) Disputed Factual Assertions

First, Barnett does not disclose structure corresponding to the "kiosk" defined in this application. Second, Barnett does not disclose incentive offer criteria stored in association with identification of a product.

a. **The "...transmitting a customer's identification from a kiosk to a computer..." Recitation; The Examiner's Assertion that Barnett Discloses a Kiosk is Wrong; Claims 102, 148, 194, 195, 200-202, and 206**

The examiner asserted that column 1 lines 15-30 in Barnett discloses "transmitting a customer's identification from a kiosk to a computer." Office action mailed July 22, 2003 page 2 lines 17-19. That assertion is incorrect. Barnett at column 1 lines 15-30 does not disclose "transmitting a customer's identification from a kiosk to a computer." Column 1 lines 15-30 in Barnett discusses the prior art, and it states that:

Significant time is spent clipping and sorting coupons, discarding expired coupons and organizing current coupons for use on shopping trips. Conventional coupon distribution results in significant wasted time due to consumers' attempts to manage their coupon use.

Coupons are delivered to consumers through a variety of media. The primary coupon distribution is via pull-out sections in newspapers, which are known as free standing inserts (FSIs). This accounts for just over 80% of coupons used. Other methods of distribution include in-store shelf coupon dispensers, check-out coupons (generally issued based on the customer's current purchase), register receipt coupons, in-product coupons, instant peel-off on-product coupons and direct mail coupons. In addition to manufacturers' coupons, consumers use retail store coupons, such as those issued by large retail chains on a weekly basis. [Barnett at column 1 lines 15-30.]

The examiner also asserted that column 3 lines 35-45 in Barnett discloses "transmitting a customer's identification from a kiosk to a computer." Office action mailed July 22, 2003 page 2 lines 17-19. That assertion is incorrect. Barnett at column 3 lines 35-45 does not disclose "transmitting a customer's identification from a kiosk to a computer." Column 3 lines 35-45 in Barnett states that:

U.S. Pat. No. 5,176,224 to Spector teaches a closed-loop coupon system which consists of a kiosk type printer station located at a retail store. The kiosk is linked to the manufacturers in order to obtain specific coupon information. The

consumer selects the desired coupon at the kiosk, and the coupon is printed and dispensed....

The cited reference to the Spector patent in the Background of the Invention section of Barnett does not disclose that Barnett's system included a kiosk or that Barnett's method included data transmission from a kiosk. Therefore, Barnett does not disclose or suggest "transmitting a customer's identification from a kiosk to a computer."

The examiner also asserted that column 3 lines 45-52 in Barnett discloses using a kiosk. Office action mailed July 22, 2003 page 16 lines 3-10. That assertion is incorrect. Barnett at column 3 lines 45-52 does not disclose using a kiosk because the cited passage in Barnett is describing the teachings of the Lemon patent.

The examiner also asserted that column 4 lines 48-60 in Barnett also discloses "transmitting a customer's identification from a kiosk to a computer." Office action mailed July 22, 2003 page 2 lines 17-19. That assertion is incorrect. Barnett at column 4 lines 48-60 does not disclose "transmitting a customer's identification from a kiosk to a computer." Column 4 lines 48-60 in Barnett states that:

The remote user computer in the present invention comprises interface means for providing user interaction with the centrally located repository, a memory, and a coupon data management program. The coupon data management program is implemented by the computer for requesting coupon data from the centrally located repository, for storing in the memory coupon data transmitted from the centrally located repository, and for generating printable coupon data from the stored coupon data. The remote user computer also comprises a coupon output buffer operatively associated with the data management program for storing the printable coupon data generated by said coupon data management program.

The examiner also asserted that column 4 lines 61-63 in Barnett discloses using a kiosk. Office action mailed July 22, 2003 page 16 lines 11-23. That assertion is incorrect. Barnett at column 4 lines 61-63 does not disclose using a kiosk. Column 4 lines 61-63 in Barnett states that:

The present invention additionally comprises a printer for printing product redemption coupons from the printable coupon data stored in the coupon output buffer.

The examiner also asserted that column 6 lines 39-43 in Barnett discloses using a kiosk.

Office action mailed July 22, 2003 page 16 lines 24-28. That assertion is incorrect. Barnett at column 6 lines 39-43 does not disclose using a kiosk. Column 6 lines 39-43 in Barnett states that:

In addition, it is contemplated that the electronic coupon data distribution may be carried out by connection to any readily accessible Internet site such as the World Wide Web.

The examiner also asserted that column 6 lines 47-50 in Barnett discloses using a kiosk. Office action mailed July 22, 2003 page 16 lines 29-32. That assertion is incorrect. Barnett at column 6 lines 47-50 does not disclose using a kiosk. Column 6 lines 47-50 in Barnett states that:

Thus, any centrally located computer system which is accessible to the public by any transmission means is contemplated as being within the scope of this invention.

The examiner also asserted that column 7 line 61 to column 8 line 1 in Barnett discloses transmitting a customer's identification from a kiosk to a computer. Office action mailed July 22, 2003 page 17 lines 11-13. That assertion is incorrect. Barnett at column 7 line 61 through column 8 line 1 does not disclose transmitting a customer's identification from a kiosk to a computer. Column 7 line 61 to column 8 line 1 in Barnett states that:

When the user desires to initially register for the electronic coupon distribution service, he selects the join service function button 62 which initiates a dialog with the online service provider 2 in order to request certain demographic data from the user which will be used to target specific coupon data packages for subsequent downloading.

The examiner also asserted that column 4 lines 64-67 in Barnett discloses transmitting a customer's identification from a kiosk to a computer. Office action mailed July 22, 2003 page 18 lines 3-6. That assertion is incorrect. Barnett at column 4 lines 64-67 does not disclose transmitting a customer's identification from a kiosk to a computer. Column 4 lines 64-67 in Barnett states that:

Alternatively, the system may enable the user to transmit electronically the printable coupon data from the coupon output buffer to the centrally located repository or directly to the retailer for electronic coupon redemption.

The examiner also asserted that column 7 lines 22-30 in Barnett discloses transmitting a

customer's identification from a kiosk to a computer. Office action mailed July 22, 2003 page 18 lines 8-16. That assertion is incorrect. Barnett at column 7 lines 22-30 does not disclose transmitting a customer's identification from a kiosk to a computer. Column 7 lines 22-30 in Barnett states that:

In addition to the usual coupon information found in prior art coupons (e.g. redemption amount, company and product name, expiration date, etc.), the coupons 18 of the preferred embodiment of the present invention contain user-specific data in the form of a unique user bar code 90, as shown graphically in Fig. 5. The user bar code 90 is encoded with user-specific information such as the user name and/or other unique identification criteria such as a social security number or online service address.

The examiner also asserted that column 11 lines 29-37 in Barnett discloses transmitting a customer's identification from a kiosk to a computer. Office action mailed July 22, 2003 page 18 lines 18-25. That assertion is incorrect. Barnett at column 11 lines 29-37 does not disclose transmitting a customer's identification from a kiosk to a computer. Column 11 lines 29-37 in Barnett states that:

Thus, the printable coupon data generation routine 32d combines all this information and generates a record indicative of the unique coupon to be printed. This record is temporarily stored in the output buffer 28, where it is subsequently sent to the printer 8 for printing. In the alternative, the coupon may be redeemed electronically by sending the coupon data in the output buffer via the data communications interface 20 back to the online service provider.

The examiner also asserted that column 11 lines 39-44 in Barnett discloses using a kiosk. Office action mailed July 22, 2003 page 15 lines 13-15. That assertion is incorrect. Barnett at column 11 lines 39-44 does not disclose using a kiosk. Column 11 lines 39-44 in Barnett states that:

The electric coupon data could also be routed via the data communications interface 20 to a retail store where the user will be shopping, where coupon data is held in a buffer pending purchase by the user of the matching product.

This disclosure does not suggest the use of a kiosk. The plain meaning of "coupon data is held in a buffer pending purchase by the user of the matching product" indicates that the coupon is to be printed at checkout. In the pending application, the kiosks are defined as structures situated in a location other than checkout. For example, the specification states that:

The system 10 further comprises one or more check-outs or point-of-sale terminals 34 in each store. These are spaced apart from the kiosks 26, which are preferably located in a different area of the store. [Specification page 11 lines 1-3.]

There is no teaching or suggestion in Barnett disclosing a kiosk. Therefore, Barnett does not teach or suggest a system including "transmitting a customer's identification from a kiosk to a computer."

b. The "...computer in communication with at least one database (1) containing incentive offer criteria associated with an identification of a product..." Recitation - Claims 102, 148, 194-202, and 206

The examiner asserted that column 8 lines 14-25, column 11 lines 24-30, and column 4 lines 40-49 in Barnett disclose a "computer in communication with at least one database (1) containing incentive offer criteria associated with an identification of a product." Office action mailed July 22, 2003 page 2 lines 20-21. That assertion is incorrect. Barnett at column 8 lines 14-25, column 11 lines 24-30, and column 4 lines 40-49 does not disclose a "computer in communication with at least one database (1) containing incentive offer criteria associated with an identification of a product." Column 8 lines 14-25 in Barnett states that:

The coupon packages file 40 comprises electronic coupon data and other types of advertising materials supplied by the various coupon issuers 14 through the coupon distributor 16. Individual users' coupon data packages are drawn from this file based on demographic data and historic buying profiles stored in the demographic data file 42. Advertisements may consist of graphics, text, recipes, competitions or other inducements or a combination thereof.

This passage does not disclose "incentive offer criteria associated with an identification of a product" because "demographic data," "historic buying profiles," and coupon packages are not "incentive offer criteria associated with an identification of a product."

The examiner also asserted that column 11 lines 24-30 in Barnett discloses an "incentive offer criteria associated with an identification of a product." That assertion is incorrect. Column 11 lines 24-30 in Barnett states that:

Referring again to FIG. 3, the data format of the variable coupon parameters are set forth and include the coupon expiration date, the redemption amount, the company and product information, the UPC code, the redemption

address, and the description of the coupon offer.

This passage does not disclose “incentive offer criteria associated with an identification of a product” because “the coupon expiration date,” “the redemption amount,” “the company and product information,” “the UPC code,” “the redemption address,” and “the description of the coupon offer” are not “incentive offer criteria associated with an identification of a product.”

The examiner also asserted that column 4 lines 40-49 in Barnett discloses a "computer in communication with at least one database (1) containing incentive offer criteria associated with an identification of a product." Office action mailed July 22, 2003 page 2 lines 20-21. That assertion is incorrect. Barnett at column 4 lines 40-49 does not disclose a "computer in communication with at least one database (1) containing incentive offer criteria associated with an identification of a product." Column 4 lines 40-49 in Barnett states that:

In accordance with these and other objects, provided is a system for distributing and generating at a remote site product redemption coupons comprising a centrally located repository of electronically stored product redemption coupon data, transmission means operatively associated with said centrally located repository for providing data communication between said repository and a plurality of remote user computers, and a remote user computer operatively associated with said transmission means. The remote user computer in the present invention comprises interface means for providing user interaction with the centrally located repository, a memory, and a coupon data management program.

The examiner also asserted that column 12 lines 44-50 in Barnett discloses “incentive offer criteria associated with an identification of a product.” Office action mailed July 22, 2003 page 18 lines 29-31. That assertion is incorrect. Barnett at column 12 lines 44-50 does not disclose “incentive offer criteria associated with an identification of a product.” Column 12 lines 44-50 in Barnett states that:

It may be further determined that users who select, print and redeem dog food coupons of Brand X will get coupons issued by Brand Y, or will get only low value coupons since they are already dog food coupon users, etc. That is, depending on the marketing and targeting criteria and objectives, the analysis means will generate coupon packages as desired.

The examiner also asserted that column 10 lines 22-25 in Barnett discloses incentive offer criteria associated with an identification of a product. Office action mailed July 22, 2003 page

19 lines 8-11. That assertion is incorrect. Barnett at column 10 lines 22-25 does not disclose incentive offer criteria associated with an identification of a product. Column 10 lines 22-25 in Barnett states that:

The items on the list are compared against coupon data stored in the coupon database 30 and the user is informed of their existence. The user may then print out those coupons along with the shopping list.

The examiner also asserted that column 7 lines 13-17 in Barnett discloses incentive offer criteria associated with an identification of a product. Office action mailed July 22, 2003 page 19 lines 13-16. That assertion is incorrect. Barnett at column 7 lines 13-17 does not disclose incentive offer criteria associated with an identification of a product. Column 7 lines 13-17 in Barnett states that:

That is, the coupons 18 are presented to a product checkout station 11 along with the associated products for purchase, and the discount amount shown on the coupon 18 is credited to the consumer at the point of sale.

The examiner also asserted that column 7 lines 21-27 in Barnett discloses incentive offer criteria associated with an identification of a product. Office action mailed July 22, 2003 page 19 lines 18-23. That assertion is incorrect. Barnett at column 7 lines 21-27 does not disclose incentive offer criteria associated with an identification of a product. Column 7 lines 21-27 in Barnett states that:

In addition to the usual coupon information found in prior art coupons (e.g. redemption amount, company and product name, expiration date, etc.), the coupons 18 of the preferred embodiment of the present invention contain user-specific data in the form of a unique user bar code 90, as shown graphically in Fig. 5.

These passages do not disclose “incentive offer criteria associated with an identification of a product.” Specifically, the cited passages do not disclose a database storing criteria for offering an incentive. Instead, the cited passages disclose coupons stored in a database. Therefore, the examiner’s assertion that Barnett disclosed “incentive offer criteria associated with an identification of a product” is incorrect.

There is no teaching or suggestion in Barnett for including in a computer system's database incentive offer criteria associated with “an identification of a product.” Therefore, Barnett does not teach or suggest a system including a “computer in communication with at least

one database (1) containing incentive offer criteria associated with an identification of a product.”

**(3) The Applicants' Reply to the Rejections Based on
Barnett - Claims 102-195 and 200-211**

**a. Barnett Does not Disclose the Kiosk Defined by
Claims 102-195 and 200-211**

Independent Claims 102, 148, 194, 195, 200-202, and 206 recite "transmitting a customer's identification from a kiosk to a computer." Claims 210 and 211 defines equivalents to a kiosk. Dependent claims 103-147 depend from claim 102, dependent claims 149-193 depend from claim 148, dependent claims 203-205 depend from claim 202, and dependent 207-209 depend from claim 206. Thus, each one of claims 102-195 and 200-211 define a kiosk or its equivalent. Barnett does not disclose or suggest any of the limitations relating to the kiosk defined by these claims.

**b. The Meaning of the Kiosk Defined by
Independent Claims 102, 148, 194, 195, 200-202,
206, 210, and 211**

The meaning of the term kiosk is well known, and in addition, the specification of this application further defines that meaning in this application, as noted below.

Attachment 1 evidences the common meaning of the word kiosk, and the most applicable definition of kiosk states that:

a small sometimes movable booth from which cigarettes, newspapers, light refreshments, etc., are sold....¹

Moreover, page 9 line 17 to page 10 line 23 in the specification defines the kiosk recited in the claims. That passage states that:

At least one kiosk 26 is placed in each store 14. The kiosk 26 is a *booth or housing*. Preferably, at least one kiosk 26 is located near the entrance of the store 14. One or more additional kiosks can be located in other parts of the store frequented by customers. The system 10 further comprises a customer interface 28 *housed in each kiosk 26* and in communication with the store level computer 12 associated with the store in which the kiosk 26 is located. In the illustrated

¹Attachment 1 is a printout of the definition of "kiosk" at <http://www.foreignword.com/Tools/dictsrch.htm>.

embodiment, the customer interface comprises a card reader 28 including means for reading the machine readable information on the card, for sending information from the card to the store level computer 12 of the store where the kiosk is located. In the illustrated embodiment, the customer interface comprises a dumb terminal 30 connecting the card reader 28 to the store level computer 12. Other customer interfaces can be employed, such as interactive terminals, touch screen interfaces, etc.

The *kiosk 26 also houses an offer communicator* (offer communicator means) 32 for communicating respective individualized lists of special offers to customers who access the customer interface. While various offer communicators could be employed, in the illustrated embodiment the offer communicator comprises a printer. The printer 32 is preferably a high speed printer, such as a thermal printer, so as to enable quick processing of customers at the kiosk 26 to keep lines at the kiosk 26 down to a minimum. In one embodiment, the printer 32 prints at least 500 lines per minute. More particularly, the printer 32 is a thermal strip printer which prints 600 lines per minute. Other high speed printers can be employed.

The kiosks 26 can also be used by customers to check prices of products. For example, some state laws require that bar code readers be distributed throughout a store so that customers can scan bar codes on products to check prices. The kiosks 26 are capable of being used for this purpose. [Specification page 9 line 17 to page 10 line 23; emphasis added.]

Thus, the plain meaning of the work "kiosk" and the further definition of the word "kiosk" provided by the specification of this application define the kiosk in this application to mean: a structure, such as a booth or housing, that includes at least (1) a customer interface into which the customer can enter a unique identification "for sending information from the [customer] ... to the store level computer 12 of the store" and (2) an offer communicator "for communicating respective individualized lists of special offers to customers who access the customer interface" from the store to the customer at the kiosk.

c. **Barnett's Remote Personal Computer is not a Kiosk, as Defined in this Application**

At column 6 line 66 to column 7 line 11, Barnett states that:

The online service provider 2 is connected with the data link 4 and is thus accessible by any *remote personal computer 6* having a data communications interface 20 such as a modem (see FIG. 2). The online service provider communicates with the *personal computer 6* in order to transmit requested coupon data, and also in order to receive coupon requests and the user-specific data mentioned above.

The *remote personal computer 6* has connected thereto a printer 8, which may be any type of computer printer capable of printing graphics. The printer 8 is instructed by the coupon data management routines 32 stored in the computer 6 in order to print printed coupons 18, as will be described in detail below. [Barnett at column 6 line 66 to column 7 line 11; emphasis added.]

Moreover, Barnett discloses at column 9 lines 1-33 that user specific files are stored on the user's personal computer, stating at column 9 lines 1-33 that:

The coupon database file 30 is segmented into various sections as shown in the memory map of FIG. 2. The coupon database of the preferred embodiment comprises downloaded coupon data 30a, which is the entire coupon data package downloaded from the online service provider 2; selected coupon data 30b, which is a subset of the downloaded data and represents specific coupons electronically "clipped" and stored therein; sorted coupon data 30c, which is selected coupon data sorted in accordance with a particular set of criteria (e.g. all fruits together, then all dairy products, etc.); fixed coupon parameters and *user-specific data 30d*, which is certain unvarying data used in printing the coupons as will be described in detail below; and store-specific data 30e, which is information regarding the product arrangement in a certain retail store 10 which will allow the user to prepare a shopping list tailored to the particular store.

The *offline coupon data management routines 32* are executed by the processor 26 in conjunction with the coupon database 30 in order to request, obtain, store, select, sort, and print coupons as desired. The offline coupon data management routines 32 are executed by selecting a desired function button 52, 54, 56, or 58 as shown in the offline display screen 50 in FIG. 4b. The offline display screen 50 is shown on the display 24 when the user runs the coupon data management program on his or her personal computer 6. The *offline coupon data management routines 32 are executed in an offline fashion; that is, the user does not need to first be in online communication with the service provider 2*. If a particular function button 52, 54, 56, or 58 chosen by the user initiates a routine 32 which requires online communication, that routine will initiate, control and terminate an online session with the service provider 2 automatically. [Barnett at column 9 lines 1-33; emphasis added.]

The remote computer defined by Barnett is not a kiosk, as the word Kiosk is defined by this application, at least because the PC has no structure, such as a booth or housing, that includes at least (1) a customer interface "for sending information from the [customer] ... to the store level computer 12 of the store" and (2) an offer communicator "for communicating respective individualized lists of special offers to customers who access the customer interface" from the store to the customer.

Moreover, Barnett teaches a remote *personal* computer, and that the remote *personal* computer is designed to work only for a single user. For example, Barnett teaches that its personal computer requires user specific personal files, which are inconsistent with a computer accessible to the public, and performing offline coupon data management routines on those files, which routines are also inconsistent with a publicly available computer. See, e.g., Barnett column 6 line 66 to column 7 line 11 and Barnett column 4 lines 64-67. A personal computer is not a kiosk because a personal computer is not designed to be accessible to a large number of people, whereas a kiosk is by definition designed to be accessible by a large number of people.

Thus, Barnett's remote personal computer is functionally, structurally, and conceptually different from the kiosk defined in this application.

d. **Barnett's "coupon output buffer" is not a Kiosk, as Defined in this Application**

The examiner asserted that column 4 lines 64-67 in Barnett indicates that Barnett's coupon output buffer is equivalent to the applicant's kiosk, and that the centrally located repository is equivalent to the applicant's computer. Office action mailed July 22, 2003 page 20 line 29. That assertion is incorrect. Column 4 lines 64-67 in Barnett states that:

Alternatively, the system may enable the user to transmit electronically the printable coupon data from the coupon output buffer to the centrally located repository or directly to the retailer for electronic coupon redemption.

Barnett at column 4 lines 64-67 does not indicate that Barnett's coupon output buffer is anything other than an electronic memory. Thus, Barnett's coupon output buffer does not include anything corresponding to the offer communicator, customer interface, or a physical housing of the kiosk defined by this application.

e. **The Implied Combination Rejection Based upon Barnett and Spector is Improper**

The examiner's rejections of claims defining a kiosk is, as the examiner admits at page 15 lines 7-12 in the final office action, a *combination* rejection. Specifically, in the final office action, mailed July 22, 2003 page 15 lines 7-12, the examiner states that:

Examiner further notes that Barnett was utilized as a 103(a) prior art rejection combining Barnett with Barnett. Barnett was combined with itself for the 103(a) rejection because not all features are explicitly stated by Barnett.

However, the features would have been obvious to Barnett at the time of invention based on the entire disclosure of Barnett. Particularly, the Background of the Invention section of Barnett's disclosure discloses many additional features that would've been obvious to Barnett to add to his invention.

In fact, the examiner is relying upon the Spector patent to suggest modifying the system disclosed in Barnett to include a kiosk. However, as explained below, there is no such motivation contained in either Spector or Barnett.

f. **Spector's Printer-Dispenser**

Spector (United States Patent 5,176,224) does not explicitly disclose a "kiosk." Instead, Spector discloses a "printer-dispenser 12" in FIG. 2 and states at column 5 lines 52-62 that:

A shopper who wishes to obtain this discount then goes to a discount coupon *printer-dispenser 12*, as shown in FIG. 2, installed at a site in the supermarket that is near the sign. In the example shown, on the front panel of dispenser 12 is a set of three LCD or LED controllable displays which are coupled to an internal microprocessor which in this instance is dedicated to the sign. The microprocessor includes a CPU, ROMS and other computer components and has stored in its memory in digital form, the images of the various items in the supermarket which are subject to discount. [Spector at column 5 lines 52-62; emphasis added.]

g. **There is no Motivation to Modify Barnett's System to Include Spector's Printer-Dispenser**

Spector discloses a "...discount coupon *printer-dispenser 12*, as shown in FIG. 2, installed at a site *in the supermarket...*" Spector at column 5 lines 54-55; emphasis added. The printer dispenser 12 of Spector is designed to be available to many members of the public as they shop in the supermarket. That design is inconsistent with the personal computer disclosed by Barnett. At column 6 line 66 to column 7 line 11, Barnett states that:

The online service provider 2 is connected with the data link 4 and is thus accessible by any *remote personal computer 6* having a data communications interface 20 such as a modem (see FIG. 2). The online service provider communicates with the *personal computer 6* in order to transmit requested coupon data, and also in order to receive coupon requests and the user-specific data mentioned above.

The *remote personal computer 6* has connected thereto a printer 8, which may be any type of computer printer capable of printing graphics. The printer 8 is instructed by the coupon data management routines 32 stored in the computer 6 in order to print printed coupons 18, as will be described in detail below. [Barnett at

column 6 line 66 to column 7 line 11; emphasis added.]

Barnett teaches a remote personal computer designed to work only for a single user. Moreover, Barnett's personal computer requires user specific files and running user specific offline coupon data management routines on the user's user specific files. See, e.g., Barnett column 6 line 66 to column 7 line 11 and Barnett column 4 lines 64-67.

Barnett storing user specific data files on the user's PC and using user specific offline coupon data management routines on the user specific files are incompatible with a publically available printer-dispenser, such as Spector's printer-dispenser 12. There is no express suggestion in Spector or Barnett to include a print-dispenser in Barnett's system, and given the noted incompatibility, no one in the art would have been motivated to convert Barnett's remote personal computer to a publicly available print-dispenser.

Moreover, even if Spector and Barnett were combined, the addition of a print-dispenser would not result in the kiosk, as defined in this application, which is a structure, such as a booth or housing, that includes at least (1) a customer interface into which the customer can enter a unique identification "for sending information from the [customer] ... to the store level computer 12 of the store" and (2) an offer communicator "for communicating respective individualized lists of special offers to customers who access the customer interface" from the store to the customer at the kiosk. Therefore, Barnett in view of Spector does not teach or suggest a kiosk as defined in this application.

h. Summary as to "kiosk" and Claims 102-195 and 200-211

For all of the foregoing reasons, the rejections based upon Barnett of claims defining kiosk are improper and should be reversed.. These claims are claims 102-195 and 200-211.

(4) The Applicants' Reply to the Rejections Based on Barnett - Claims 102, 148, 194-202, and 206

- a. **Claims 102, 148, 194-202, and 206 Recite a "computer in communication with at least one database (1) containing incentive offer criteria associated with an identification of a product"**

Claims 102, 148, 194-202, and 206 recite a "computer in communication with at least one database (1) containing incentive offer criteria associated with an identification of a product".

b. **Barnett Does not Disclose or Suggest a
“computer in communication with at least one
database (1) containing incentive offer criteria
associated with an identification of a product”**

There is no teaching in Barnett suggesting including in a computer system's database incentive offer criteria associated with an identification of a product. Barnett discusses his database, which contains incentive offer criteria associated with an identification of a product, at column 4 lines 10-60 and 12 lines 32-42. Barnett discloses only storing in the database consumer data regarding coupons selected, coupons printed, and coupon redemption data. Therefore, Barnett does not disclose or suggest a system including a “computer in communication with at least one database (1) containing incentive offer criteria associated with an identification of a product.” Claims 102, 148, 194-202, and 206 recite a “computer in communication with at least one database (1) containing incentive offer criteria associated with an identification of a product.” Therefore, Barnett does not teach or suggest the subject matter of claims 102, 148, 194, 195, 200-202, and 206. Therefore, the rejections of claims 102-148, 194-202, and 206 are improper and should be reversed.

c. **The Rejections of Claims 196 and 197 -
Transmitting Incentive Criteria to a Store Level
Computer and Locally Determining the
Incentives**

The examiner includes claims 196-199 in list of claims rejected under 35 USC 103 based upon Barnett. See final office action page line 17. However, the examiner's reasoning following that listing does not identify claims 196-199, and the examiner's reasoning does not address the limitations of these claims.

In response to the rejections of claims 196 and 197, the applicant submits that the examiner's rejections should be reversed for two reasons.

First, the examiner has not made a prima facie case of obviousness. The examiner has not explained why either claims 196 or 197 would have been obvious in view of Barnett.

Second, Barnett does not disclose or suggest the subject matter defined by either claim 196 or claim 197. Claims 196 and 197 define a method and disclosed system for transmitting incentive offer criteria (criteria used to determine whether to offer an incentive to a customer) to

a store level computer, and the store level computer running those criteria against data stored for a customer in the store level computer's database of the store's customers, and depending upon the results of that action, providing the customer an incentive at a POS terminal of the store.

Barnett does not disclose transmitting incentive offer criteria from a supervisory computer to a store level computer. Note that the examiner alleges at final office action page 4 lines 3-4 that Barnett discloses "that a supervisory computer can transfer incentive information to a store level computer (Fig. 1)". Note also that the examiner's assertion is not relevant to claims 196 and 197 because they define the structure or the act of transmitting from a supervisory computer to a store level computer "incentive offer criteria". Barnett does not disclose transmitting "incentive offer criteria" to a store level computer. Barnett also does not disclose a store level computer running incentive offer criteria on its local purchase history database to determine incentives to offer to consumers at the store's POS terminals. Therefore, Barnett does not disclose or suggest the subject matter defined by claims 196 and 197. Therefore, the rejections of these claims are improper and should be reversed.

**(5) The Applicants' Reply to the Rejections Based on
Barnett - Claim 210**

a. The Examiner's Assertions for Claim 210

The examiner asserted that column 2 line 63 through column 3 line 2 in Barnett discloses at least one computer, means for sending information from the customized offer list to at least one check-out, and means for presenting customized special offers to customers. Office action mailed July 22, 2003 page 19 lines 24-27. That assertion is incorrect. Barnett at column 2 line 63 through column 3 line 2 does not disclose at least one computer, and means for sending information from the customized offer list to at least one check-out, means for presenting customized special offers to customers. Barnett column 2 line 63 through column 3 line 2 is part of the Background of the Invention section. This passage appears to refer to the invention disclosed in USP 4,723,212 to Mindrum et al. That patent discloses triggering printing of a coupon for a specified product in response to identifying a product item in a current transaction. Neither of these references disclose storing customer purchase distribution data with the customer's identification, which is disclosed in claim 210.

Column 2 line 63 through column 3 line 2 in Barnett states that:

Check-out coupons are printed at the check-out by a printer installed at the cash register. A computer analyzes the purchases made by each consumer, and can print competitor's coupons or other coupons related to items in the current purchase. This system has a coupon redemption rate of approximately 9%.

This reference to the prior art does not disclose a customized offer list, customized for a consumer, or means for collecting purchasing behavior, as defined by claim 210.

The examiner also asserted that column 11 lines 39-44 in Barnett discloses at least one computer, means for sending information from the customized offer list to at least one check-out, means for presenting customized special offers to customers. Office action mailed July 22, 2003 page 20 lines 4-8. That assertion is incorrect. Barnett at column 11 lines 39-44 does not disclose at least one computer, means for sending information from the customized offer list to at least one check-out, means for presenting customized special offers to customers. Column 11 lines 39-44 in Barnett states that:

The electronic coupon data could also be routed via the data communications interface 20 to a retail store where the user will be shopping, where the coupon data is held in a buffer pending purchase by the user of the matching product.

The system for sending and presenting customized offers disclosed in Barnett does not disclose "sending information from the customized offer list to at least one check-out," as recited by claim 210. At most, Barnett discloses transmitting data for electronic coupon redemption to the retailer's computer system, not to the checkout. See Barnett column 4 lines 64-67. Therefore, neither the cited passage, nor the rest of Barnett, suggests sending information from the customized offer list to at least one check-out. Therefore, Barnett does not teach or suggest the subject matter of claim 210. Therefore, the rejection of claim 210 is improper and should be reversed.

b. Barnett Does not Teach or Suggest the Structures or Materials Disclosed in the Applicants' Specification

Barnett does not disclose or suggest at least means for sending information from the customized offer list to at least one check-out, means for presenting customized special offers to customers, as disclosed, for example, in the applicants' written specification and shown in FIG. 1

means plus function recitation or limited to the structures and materials disclosed in the specification for performing the claimed functions. In re Donaldson, 16 F.3d 1189, 1193, 29 USPQ2d 1845, 1849 (Fed. Cir. 1994). Therefore, Barnett does not disclose or suggest the claimed "means for sending information from the customized offer list to at least one check-out, means for presenting customized special offers to customers, . . . , and means for collecting purchasing behavior," as defined by claim 210. Therefore, claim 210 defines subject matter that is non-obvious in view of Barnett. Therefore, the rejection of claim 210 is improper and should be reversed.

**(6) The Applicants' Reply to the Rejections Based on
Barnett - Claim 211**

a. The Examiner's Assertions for Claim 211

The examiner asserted that column 3 lines 12-19 in Barnett discloses a supervisor computer networked to store level computers, where the supervisory computer periodically downloads special offers to the store level computers, which relates to the limitations of claim 211. Office action mailed July 22, 2003 page 20 lines 9-13. That assertion is incorrect. Barnett at column 3 lines 12-19 does not disclose a supervisory computer networked to store level computers, where the supervisory computer periodically downloads special offers to the store level computers. Moreover, column 3 lines 12-19 in Barnett refers to the system disclosed in Pruchniki, and states that:

Pruchniki discloses an electronic paperless coupon system which obviates the need for a paper coupon in order to save printing, processing and clearinghouse costs as well as eliminating counterfeiting. Coupon redemption information is transmitted from a central system to local retailers, where coupon signs are placed near the related item. The discount is automatically applied at the point of sale without the need for the consumer to present a paper coupon.

The examiner also asserted that column 6 lines 30-35 in Barnett discloses a supervisor computer networked to store level computers, where the supervisory computer periodically downloads special offers to the store level computers. Office action mailed July 22, 2003 page 20 lines 24-27. That assertion is incorrect. Barnett at column 6 lines 30-35 does not disclose a supervisor computer networked to store level computers, where the supervisory computer periodically downloads special offers to the store level computers. Column 6 lines 30-35 in

Barnett states that:

[t]he electronic coupon distribution system of the preferred embodiment comprises a central located repository of electronically stored coupon data, which in the preferred embodiment is an online service provider 2.

Moreover, Barnett generally discloses downloading coupons to the user's personal computers, not to store computer systems.

This passage does not disclose "a supervisory computer networked to store level computers, where the supervisory computer periodically downloads special offers to the store level computers." The supervisory functions of supervisory computer defined in the pending application include determining which customers the manufacturers want to target (specification page 16 lines 2-3), and preventing conflicts with a store's special offer for products (specification page 16 lines 17-21).

In contrast to this reference to Pruchniki, claim 211 defines networked computers, and means for generating and presenting a list of special offers customized for a particular consumer across a chain of stores. Therefore, the examiner's assertion that Barnett discloses "a supervisory computer networked to store level computers, where the supervisory computer periodically downloads special offers to the store level computers" is incorrect. Claim 211 defines "a supervisory computer." Therefore, these claims are non-obvious in view of Barnett. Therefore, the rejection of claim 211 is improper and should be reversed.

b. Rejections Under 103(a) of Claims 103-107 and 149-153

(1) The Examiner's Argument - Kiosk Location

In support of the rejections of claims 103-107 and 149-153 under 35 USC 103(a) as being unpatentable over Barnett, the examiner states that:

Claims 103, 104, 105, 106, 107, 149-153: Barnett discloses the method, system as in claims 102, 148. Barnett further discloses possessing information on the layout of the store (col 10, lines 30-37). Barnett discloses a kiosk that is separate from the POS terminal (Fig. 1). Barnett does not explicitly disclose the location of the kiosk. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made that Barnett's kiosk can be located in a location that is convenient to the user. The location of the kiosk in or near the store is a design decision which does not affect the method steps performed. One would have been motivated to locate the kiosk at a user

convenient location so that the user's coupon obtainment is convenient. [Office action mailed July 22, 2003 page 4 lines 15-23.]

In reply, the applicants respectfully submit that these rejections should be reversed because they are not supported by either substantial evidence or proper legal conclusions.

(2) Dependency on Allowable Claims

Claims 103-107 depend from independent claim 102. Claims 149-153 depend from independent claim 148. Therefore, these rejections are improper and should be reversed for at least the reasons given above for claims 102 and 148.

(3) Claims 103-105 and 149-151 - In or Near the Store

The applicants respectfully submit that the rejections of claims 103-105 and 149-151 under 35 USC 103(a) should be reversed because they are not supported by substantial evidence. Claims 103 and 149 define a kiosk located near a retail store, claims 104 and 150 define a kiosk located in a retail store, and claims 105 and 151 define a kiosk located near the entrance to a retail store. In contrast, Barnett only discloses a remote personal computer. The examiner's assertion that relocating the remote personal computer 6 disclosed by Barnett was a "design decision" is not based upon any evidence of a suggestion or motivation to modify the teachings of Barnett to locate the personal computer, for example, near the entrance to a retail store. Moreover, such a location would have been illogical for a personal computer since it would deprive the user of the benefit of private use of his or her computer. Therefore, the rejections of claims 103-105 and 149-151 are improper and should be reversed.

Furthermore, the examiner asserted that column 11 lines 39-44 in Barnett discloses a kiosk at or near the store. Office action mailed July 22, 2003 page 20 line 30 through page 21 line 3. That assertion is incorrect. Barnett at column 11 lines 39-44 does not disclose a kiosk at or near the store. Column 11 lines 39-44 in Barnett states that:

The electronic coupon data could also be routed via the data communications interface 20 to a retail store where the user will be shopping, where the coupon data is held in a buffer pending purchase by the user of the matching product.

The passage does not disclose or suggest a kiosk in or near the store, rather, the passage discloses a computer memory (buffer). Claims 103-105 and 149-151 recite a kiosk located "near

said retail store”, “in said retail store”, or “near an entrance of said retail store.” Therefore, Barnett does not disclose or suggest the subject matter of claims 103-105 and 149-151. Each one of these three locations is distinct, and each one provides a separate basis for patentability. Therefore, the rejections of claims 103-105 and 149-151 are improper and should be reversed.

(4) Claims 106 and 152 - At Least One Additional Kiosk

The examiner alleged that the cited teachings of Barnett suggest the subject matter defined by claims 106 and 152. Claims 106 and 152 define at least one additional kiosk. The subject matter of claims 106 and 152 finds support in the specification, for example, at page 9 lines 17-20, which states that:

At least one kiosk 26 is placed in each store 14. The kiosk 26 is a booth or housing. Preferably, at least one kiosk 26 is located near the entrance of the store 14. *One or more additional kiosks* can be located in other parts of the store frequented by customers. [Specification at page 9 lines 17-20; emphasis added.]

The examiner asserted that column 11 lines 39-44 in Barnett discloses a kiosk at or near the store. Office action mailed July 22, 2003 page 20 line 30 through page 21 line 3. That assertion is incorrect for the reasons stated in the immediately prior subsection.

Therefore, Barnett cannot disclose an additional kiosk. Claims 106 and 152 recite “at least one additional kiosk”. Therefore, Barnett does not disclose or suggest the subject matter of claims 106 and 152. Therefore, the rejections of claims 106 and 152 are improper and should be reversed.

(5) Claims 107 and 153 - Booth or Housing

The examiner alleged that the cited teachings of Barnett suggest the subject matter defined by claims 107 and 153. Claims 107 and 153 define a kiosk comprising a booth or housing. The examiner asserted that column 11 lines 39-44 in Barnett discloses a kiosk with a booth or housing. Office action mailed July 22, 2003 page 20 line 30 through page 21 line 3. That assertion is incorrect for the reasons stated in the immediately prior subsection. Therefore, Barnett at column 11 lines 39-44 cannot disclose a kiosk with a booth or housing.

Claims 107 and 153 recite the kiosk comprises “A booth or housing.” Therefore, Barnett does not disclose or suggest the subject matter of claims 107 and 153. Therefore, the rejections of claims 107 and 153 are improper and should be reversed.

c. Rejection Under 103(a) of Claims 108-110 and 154-156

(1) The Examiner's Argument

In support of the rejections of claims 108-110 and 154-156 under 35 USC 103(a) as being unpatentable over Barnett, the examiner states that:

Claim 108, 109, 110, 154, 155, 156: Barnett discloses the method, system according to claim 102, 148. Barnett further discloses the step of reading said customer identification into a customer interface of said kiosk (col 14, lines 16-20; col 14, lines 27-30). Barnett further discloses a dumb terminal and an interactive terminal (col 3, lines 35-45; col 8, lines 51-59).

Barnett does not explicitly disclose that the interface has a touch screen interface. However, Barnett does disclose a kiosk (col 3, lines 35-45) and a computer with an interface with a variety of inputs pointing mechanisms that are standard to computers (col 8, lines 51-59).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that Barnett's interface with variety of input pointing mechanisms can utilize a touch screen. One would have been motivated to do this because touch screens are standard in the industry and allow a user convenient information input. [Office action mailed July 22, 2003 page 5 lines 3-14.]

Column 14, lines 16-20 in Barnett states that:

- (b) receiving a request from a user for access to stored coupon information;
- (c) determining if the user is a registered user, and if the user is not registered:
 - i) transmitting a prompt to the remote terminal to electronically complete a user profile and transmit the user profile to the central location;

Column 14, lines 27-30 in Barnett states that:

- iii) downloading to the remote terminal a coupon data management software module for managing the printing of coupons, including unique user identification information;
- if the user is registered, accessing the stored user profile;

In reply, the applicants respectfully submit that these rejections should be reversed because they are not supported by either substantial evidence or proper legal conclusions.

(2) Dependency on Allowable Claims

Claims 108-110 depend from independent claim 102. Claims 154-156 depend from independent claim 148. Therefore, these rejections are improper and should be reversed for at least the reasons given above for claims 102 and 148.

(3) **Claims 108-110 and 154-156 - Reading a Customer Identification**

The applicants respectfully submit that the rejections of claims 108-110 and 154-156 under 35 USC 103(a) should be reversed because they are not supported by either substantial evidence or proper legal conclusions. The subject matter of claims 108 and 154 finds support in the specification, for example, at page 9 lines 3-16, which states that:

The system 10 further includes a plurality of cards 22. Each card has thereon machine readable information for associating the card with particular customer and customer account, and with a particular store in the chain. In the illustrated embodiment, the card 22 has thereon a UPC code 24. The UPC code identifies the customer and identifies the customer's home store. Every customer has a home store where they set up their account, and where some of their records relating to their purchase behavior are kept. In alternative embodiments, the machine readable information of the card 22 is contained in a magnetic strip, or the card 22 is a smart card. Any other suitable means of storing information in a card can be employed. Similarly, any other means of identifying a customer can be employed instead of the cards and the card readers described below (e.g., passwords, fingerprint scans, retinal scans, etc. are employed in alternative embodiments). [Specification at page 9 lines 3-16.]

The examiner asserted that column 7 line 61 through column 8 line 1 in Barnett discloses reading a customer identification into a customer interface of a kiosk. Office action mailed July 22, 2003 page 21 line 28 through page 22 line 3. That assertion is incorrect. Barnett at column 7 line 61 through column 8 line 1 does not disclose reading a customer identification into a customer interface of a kiosk. Column 7 line 61 through column 8 line 1 in Barnett refers to use of the consumer's home computer, stating that:

When the user desires to initially register for the electronic coupon distribution service, he selects the join service function button 62 [on his or her home computer; see column 7 lines 56-59] which initiates a dialog with the online service provider 2 in order to request certain demographic data from the user which will be used to target specific coupon data packages for subsequent downloading. [Interpolation supplied.]

Specifically, column 7 lines 56-59 in Barnett states that:

An online display screen 60 is shown in FIG. 4a, which is provided to a user on a display 24 of *his* remote computer 6 whenever he is in online communication with the service provider 2. [Italics added.]

These passages do not disclose reading a customer identification into a customer interface

of a kiosk, rather, the passages describe actions taken on the user's remote computer, which is not a kiosk. Therefore, the cited passage in Barnett does not disclose or suggest reading a customer identification. Claims 108 and 154 recite "reading said customer identification into a customer interface of said kiosk." Therefore, Barnett does not disclose or suggest the subject matter of claims 108 and 154. Therefore, the rejections of claims 108 and 154 are improper and should be reversed.

(4) Claims 109 and 155 - Dumb Terminal and Interactive Terminal

Claims 109 and 155 define reading a customer identification into a customer interface of a kiosk and a customer interface comprising a member of the set of a dumb terminal and an interactive terminal.

The examiner asserted that column 8 lines 52-58 in Barnett discloses a dumb terminal and interactive terminal. Office action mailed July 22, 2003 page 22 lines 17-20. That assertion is incorrect. Barnett at column 8 lines 52-58 does not disclose a dumb terminal and interactive terminal. Column 8 lines 52-58 in Barnett states that:

[t]he remote personal computer 6 of the preferred embodiment comprises a data communications interface 20 (such as a modem) for connecting the computer to the data link 4 (such as a PSTN), a user input device 22 such as a keyboard and mouse or other type pointing device, a display 24, and a processor 26, all of which are common to personal computers and are well known in the art.

These passages do not disclose or suggest reading a customer identification into a customer interface of a kiosk and a customer interface comprising a member of the set of a dumb terminal and an interactive terminal, rather, the passages disclose actions taken on the user's remote personal computer, which is not a kiosk. Claims 108 and 154 recite "wherein said customer interface comprises a member of the set of a dumb terminal and an interactive terminal." Therefore, Barnett does not disclose or suggest the subject matter of claims 109 and 155. Therefore, the rejections of claims 109 and 155 are improper and should be reversed.

The examiner also asserted that column 3 lines 45-52 in Barnett discloses a dumb terminal and interactive terminal. Office action mailed July 22, 2003 page 23 lines 3-5. That assertion is incorrect. The reference to the Lemon et al. patent in the Background of the Invention section of Barnett does not imply that Barnett's system included a dumb terminal and

an interactive terminal or that Barnett's method included using a dumb terminal and an interactive terminal. Barnett does not disclose that its system or method includes a dumb terminal and interactive terminal.

(5) Claims 110 and 156 - Touch Screen Interface

Claims 110 and 156 define reading a customer identification into a customer interface of a kiosk and a customer interface comprising a touch screen interface.

The examiner asserted that column 8 lines 52-58 in Barnett discloses a touch screen interface. Office action mailed July 22, 2003 page 22 lines 17-20. That assertion is incorrect. Barnett at column 8 lines 52-58 does not disclose a touch screen interface. Column 8 lines 52-58 in Barnett states that:

[t]he remote personal computer 6 of the preferred embodiment comprises a data communications interface 20 (such as a modem) for connecting the computer to the data link 4 (such as a PSTN), a user input device 22 such as a keyboard and mouse or other type pointing device, a display 24, and a processor 26, all of which are common to personal computers and are well known in the art.

The examiner also asserted that column 3 lines 45-52 in Barnett discloses a touch screen interface. That assertion is incorrect. Column 3 lines 45-52 is a reference to the Lemon et al. patent in the Background of the Invention section of Barnett, and that reference does not imply either that Barnett's system included a touch screen interface or that Barnett's method included the means for a touch screen interface. Barnett does not disclose that its system or method includes a touch screen interface.

The passage does not disclose or suggest reading a customer identification into a customer interface of a kiosk and a customer interface comprising a touch screen interface. Claims 110 and 156 recite "wherein said customer interface comprises a touch screen interface." Therefore, Barnett does not disclose or suggest the subject matter of claims 110 and 156. Therefore, the rejections of claims 110 and 156 are improper and should be reversed.

The applicants respectfully submit that Barnett does not disclose or suggest reading a customer identification into a customer interface of a kiosk and a customer interface comprising a touch screen interface. Therefore, the inventions defined by claims 110 and 156 would not have been obvious to one of ordinary skill in the art in view of Barnett. Therefore, the rejections

of claims 110 and 156 are improper and should be reversed.

d. Rejection Under 103(a) of Claims 111-113 and 157-159

(1) The Examiner's Argument

In support of the rejections of claims 111-113 and 157-159 under 35 USC 103(a) as being unpatentable over Barnett, the examiner states that:

Claim 111, 112, 113, 157-159: Barnett discloses the method, system according to claim 102, 148. Barnett further discloses communicating to said kiosk an incentive offer for said product comprises printing said incentive offer (col 3, lines 35-40; col 7, lines 5-11). Barnett further discloses that the coupons can be printed at a variety of locations (col 2, lines 64-67; col 3, lines 35-40; col 3, lines 45-50).

Barnett further discloses that any type of printer can be utilized by the system (col 7, lines 5-11). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that Barnett's printer can be a thermal printer or a printer that can print at a rate of at least 500 lines per minute. One would have been motivated to do this because effective printers are beneficial to a user's satisfaction. [Office action mailed July 22, 2003 page 5 lines 15-24.]

Column 2 lines 64-67 in Barnett states that:

Check-out coupons are printed at the check-out by a printer installed at the cash register. A computer analyzes the purchases made by each customer, and can print competitor's coupons or other coupons related to items in the current purchase.

Column 3 lines 35-40 in Barnett states that:

U.S. Pat. No. 5,176,224 to Spector teaches a closed-loop coupon system which consists of a kiosk type printer station located at a retail store. The kiosk is linked to the manufacturers in order to obtain specific coupon information. The consumer selects the desired coupon at the kiosk, and the coupon is printed and dispensed.

Column 7 lines 5-11 in Barnett states that:

The remote personal computer 6 has connected thereto a printer 8, which may be any type of computer printer capable of printing graphics. The printer 8 is instructed by the coupon data management routines 32 stored in the computer 6 in order to print printed coupons 18, as will be described in detail below.

In reply, the applicants respectfully submit that these rejections should be reversed because they are not supported by either substantial evidence or proper legal conclusions.

(2) Dependency on Allowable Claims

Claims 111-113 depend from independent claim 102. Claims 157-159 depend from independent claim 148. Therefore, these rejections are improper and should be reversed for at least the reasons given above for claims 102 and 148.

(3) Claims 111-113 and 157-159 - Printing at a Kiosk, Using a Thermal Printer, and Printing at 500 Lines Per Minute

The applicants respectfully submit that the rejections of claims 111-113 and 157-159 under 35 USC 103(a) should be reversed because they are not supported by either substantial evidence or proper legal conclusions.

Claims 111 and 157 define communicating to a kiosk an incentive offer for a product comprising printing an incentive offer.

Claims 112 and 158 define communicating to a kiosk an incentive offer for a product comprising printing an incentive offer by thermal printing using a thermal printer.

Claims 113 and 159 define printing comprising communicating to a kiosk an incentive offer for a product comprising printing an incentive offer by printing at a rate of at least 500 lines per minute.

Barnett does not disclose printing at a kiosk, using a thermal printer, or printing at 500 lines per minute.

The examiner asserted that column 7 lines 5-8 in Barnett discloses printing at a kiosk or a thermal printer or printing at 500 lines per minute. Office action mailed July 22, 2003 page 23 lines 14-17. That assertion is incorrect. Barnett at column 7 lines 5-8 does not disclose printing at a kiosk or a thermal printer or printing at 500 lines per minute. Column 7 lines 5-8 in Barnett states that:

The remote personal computer 6 has connected thereto a printer 8, which may be any type of computer printer capable of printing graphics.

The remote personal computer 6 is not a kiosk. Therefore, the examiner's assertion that this passage discloses printing at a kiosk is incorrect.

The examiner also asserted that column 2 lines 64-65 in Barnett discloses printing at a kiosk or a thermal printer or printing at 500 lines per minute. Office action mailed July 22, 2003

page 23 lines 28-29. That assertion is incorrect. Barnett at column 2 lines 64-65 does not disclose printing at a kiosk or a thermal printer or printing at 500 lines per minute. Column 2 lines 64-65 in Barnett states that:

Check-out coupons are printed at the check-out by a printer installed at the cash register.

A check-out is not a kiosk. This passage does not disclose a thermal printer. Therefore, the examiner's assertion that this passage disclosed both printing at a kiosk and a thermal printer is incorrect.

The examiner also asserted that column 3 lines 35-44 in Barnett discloses printing at a kiosk or a thermal printer or printing at 500 lines per minute. Office action mailed July 22, 2003 page 24 lines 4-11. That assertion is incorrect. Column 3 lines 35-44 in Barnett are a reference to the Spector patent in the Background of the Invention section of Barnett. This reference does not imply that Barnett's system or method included printing at a kiosk, using a thermal printer, or printing at 500 lines per minute. Barnett does not disclose that its system or method includes printing at a kiosk, using a thermal printer, or printing at 500 lines per minute.

The examiner also concluded that:

Therefore, Barnett discloses any type of printer and that the printer performs functions that necessitate speed such as printing in a checkout line. The actual type of printer does not effect the business method disclosed. [Office action mailed July 22, 2003 page 24 lines 12-14.]

In reply, the applicants respectfully submit that the examiner's conclusion is a non-sequitur.

For all of the foregoing reasons, the inventions defined by claims 111-113 and 157-159 would not have been obvious to one of ordinary skill in the art in view of Barnett. Therefore, the rejections of claims 111-113 and 157-159 are improper and should be reversed.

e. Rejection Under 103(a) of Claims 114 and 160

(1) The Examiner's Argument

In support of the rejections of claims 114 and 160 under 35 USC 103(a) as being unpatentable over Barnett, the examiner states that:

Claim 114, 160: Barnett discloses the method, system according to claim 102, 148. Barnett further discloses:

selecting an identification of a product on a kiosk (col 10, lines 1-47), wherein said computer is in communication with a database containing data in association with product identification (col 10, lines 30-47); and transmitting said product's information from said computer to said kiosk (col 10, lines 34-44; col 10, lines 30-47).

Barnett does not explicitly disclose that item information includes item price information.

However, Barnett discloses displaying and organizing product and shopping list item information at the kiosk (col 10, lines 30-47) and that the items can be sorted by a variety of categories (col 10, lines 31-40), and that manufacturers are aware of the prices of their and competitor's items (col 1, lines 50-55).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that Barnett's item information can include price information. One would have been motivated to do this because price information is obvious product item information.

Barnett does not explicitly disclose that the identified product is transmitted from the kiosk to a computer.

However, Barnett discloses transmitting the selected coupon information to the computer directly (col 4, lines 64-67). Barnett further discloses that the shopping list and coupon selection lists can be merged (col 10, lines 28-30).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that Barnett's can transmit his item selection information to the computer from the kiosk when he transmits his coupon selection information. One would have been motivated to do this so that the shopping list can be readily available at the store where the consumer is going to shop in the same way that Barnett discloses that the coupons can be readily available (via electronic transmission) at the store where the consumer is going to shop. [Office action mailed July 22, 2003 page 6 line 3 to page 7 line 6.]

Column 10 lines 1-47 in Barnett states that:

The coupon file function button 56 enables the user to perform several operations on his selected coupon data file 30b. The user may view the coupons selected (from the selected coupon data file 30b), and may choose any of them for printing. Further, a sortation option is provided which logically sorts, by category and subcategory, the coupons stored. Thus, the management program automatically places all the dairy coupons together, and may also place all the milk coupons together within the dairy category. This is carried out by the coupon sortation routine 32c, and is akin to the manual filing system used in the prior art and will aid the user in viewing his selected but unprinted coupons in an efficient manner. The sorted coupons may be loaded into the sorted coupon data file 30c for subsequent viewing and printing. The user may optionally sort the coupons manually by his own classification.

The shopping list function button 58 calls the shopping list generation routine 32g when selected by the user. This routine will allow the user to generate a list from a menu presented on the screen whichever items the user desires to purchase, and the user can store and/or print this list as desired. The items on the list are compared against coupon data stored in the coupon database 30 and the user is informed of their existence. The user may then print out those coupons along with the shopping list. Alternatively, the user may select certain coupons for printing, and the item associated therewith is automatically placed on the shopping list. Thus, in either fashion, the user's shopping list generation and coupon "clipping" tasks are conveniently merged in a timesaving manner.

The shopping list generation routine 32g may also advantageously use data stored in the store-specific data file 30e in order to prepare a shopping list tailored to an individual retail store. Thus, data regarding the layout of the store, the food items available at the store, and the like, are used by the list generation routine 32g in order to organize the purchase items accordingly. The data stored in the store-specific data file 30e may be obtained by any of several methods; by downloading from the online service provider 2, by inputting via a floppy disk memory supplied by the store, or even manually input by the user. Data for different stores can be kept in the file 30e and the user simply selects the store he intends on using at that particular time. The user may select a standard pre-programmed shopping list, his last generated shopping list, or a blank shopping list from which to commence his shopping list preparation.

Column 1 lines 50-55 in Barnett states that:

The notion of issuing product redemption coupons to consumers was an innovative idea to entice consumers to try new products in the hope that, after the first try of a new product at a coupon discounted price, they would become repeat customers at the regular price. Coupons are effective tools used in launching new products. [Barnett at column 1 lines 50-55.]

In reply, the applicants respectfully submit that these rejections should be reversed because they are not supported by either substantial evidence or proper legal conclusions.

(2) Dependency on Allowable Claims

Claim 114 depends from independent claim 102. Claim 160 depends from independent claim 148. Therefore, these rejections are improper and should be reversed for at least the reasons given above for claims 102 and 148.

(3) Claims 114 and 160 - Further Define Over Barnett

The applicants respectfully submit that the rejections of claims 114 and 160 under 35 USC 103(a) should be reversed because they are not supported by either substantial evidence or proper

legal conclusions. Claims 114 and 160 define transmitting an identification of a product from a kiosk to a computer, where the computer is in communication with a database containing price data in association with identification of a product, and transmitting the product's price data from the computer to the kiosk.

The subject matter of claims 114 and 160 finds support in the specification, for example, at page 10 lines 19-23, which states that:

The kiosks 26 can also be used by customers to check prices of products. For example, some state laws require that *bar code readers* be distributed throughout a store so that customers can *scan bar codes* on products to check prices. The kiosks 26 are capable of being used for this purpose. [Specification at page 10 lines 19-23; emphasis added.]

Barnett does not disclose a kiosk. Therefore, Barnett cannot disclose or suggest transmitting an identification of a product from a kiosk to a computer and transmitting the product's price data from the computer to the kiosk. Therefore, the inventions defined by claims 114 and 160 would not have been obvious to one of ordinary skill in the art in view of Barnett. Therefore, the rejections of claims 114 and 160 are improper and should be reversed.

f. Rejection Under 103(a) of Claims 115 and 161

(1) The Examiner's Argument

In support of the rejections of claims 115 and 161 under 35 USC 103(a) as being unpatentable over Barnett, the examiner states that:

Claim 115, 161: Barnett discloses the method, system according to claim 114, 148. Barnett does not explicitly disclose displaying product's price data at said kiosk.

However, Barnett discloses displaying product and shopping list item information at the kiosk (col 10, lines 30-47, col 11, lines 24-30) and that the items can be sorted by a variety of categories (col 10, lines 31-40) and that manufacturers are aware of the prices of their and competitor's items (col 1, lines 50-55).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that Barnett's item information can include price information. One would have been motivated to do this because price information is obvious product item information. [Office action mailed July 22, 2003 page 7 lines 7-16.]

In reply, the applicants respectfully submit that these rejections should be reversed

because they are not supported by either substantial evidence or proper legal conclusions.

(2) Dependency on Allowable Claims

Claim 115 depends from independent claim 102. Claim 161 depends from independent claim 148. Therefore, these rejections are improper and should be reversed for at least the reasons given above for claims 102 and 148.

(3) Claims 115 and 161 - Further Definition Over Barnett

The applicants respectfully submit that the rejections of claims 115 and 161 under 35 USC 103(a) should be reversed because they are not supported by either substantial evidence or proper legal conclusions. Claims 115 and 161 define displaying a product's price data at a kiosk. However, the examiner did not specify which teachings of Barnett correspond to the limitations of claims 115 and 161. Therefore, there is no *prima facie* rejection of claims 115 and 161. Therefore, the rejections should be reversed.

Moreover, Barnett does not disclose or suggest a kiosk, and therefore, it cannot disclose displaying a product's price data at the kiosk. Therefore, the inventions defined by claims 115 and 161 would not have been obvious to one of ordinary skill in the art in view of Barnett. Therefore, the rejections of claims 115 and 161 are improper and should be reversed.

g. Rejection Under 103(a) of Claims 116 and 162

(1) The Examiner's Argument

In support of the rejections of claims 116 and 162 under 35 USC 103(a) as being unpatentable over Barnett, the examiner states that:

Claim 116, 162: Barnett discloses the method according to claim 102, 148 and further discloses that said POS terminal is spaced apart from said kiosk (Fig. 1). [Office action mailed July 22, 2003 page 7 lines 17-18.]

In reply, the applicants respectfully submit that these rejections should be reversed because they are not supported by either substantial evidence or proper legal conclusions.

(2) Dependency on Allowable Claims

Claim 116 depends from independent claim 102. Claim 162 depends from independent claim 148. Therefore, these rejections are improper and should be reversed for at least the reasons given above for claims 102 and 148.

(3) Claims 116 and 162 - Further Definition Over Barnett

The applicants respectfully submit that the rejections of claims 116 and 162 under 35 USC 103(a) should be reversed because they are not supported by either substantial evidence or proper legal conclusions. The subject matter of claims 116 and 162 finds support in the specification, for example, at page 9 line 17, which states that "[a]t least one kiosk 26 is placed in each store 14[.]" and at page 11 lines 1-3, which states that:

The system 10 further comprises one or more check-outs or point-of-sale terminals 34 in each store. These are spaced apart from the kiosks 26, which are preferably located in a different area of the store. [Specification page 11 lines 1-3.]

Claims 116 and 162 define a POS terminal spaced apart from a kiosk. However, the examiner did not specify which teachings of Barnett correspond to the limitations of claims 116 and 162. Therefore, there is no *prima facie* rejection of claims 116 and 162. Therefore, the rejections should be reversed.

Moreover, Barnett does not disclose or suggest a POS terminal spaced apart from a kiosk. Therefore, the inventions defined by claims 116 and 162 would not have been obvious to one of ordinary skill in the art in view of Barnett. Therefore, the rejections of claims 116 and 162 are improper and should be reversed.

h. Rejection Under 103(a) of Claims 117, 118, 163, and 164

(1) The Examiner's Argument

In support of the rejections of claims 117, 118, 163, and 164 under 35 USC 103(a) as being unpatentable over Barnett, the examiner states that:

Claim 117, 118, 163, 164: Barnett discloses the method, system according to claim 102, 148 and further discloses that said step of inputting comprises reading said customer identification at said POS terminal (col 11, lines 1-25), wherein said step of inputting comprises reading an identification of said product (col 11, lines 1-25; col 11, lines 39-44; col 7, lines 12-21). [Office action mailed July 22, 2003 page 7 lines 19-23.]

Column 11 lines 1-25 in Barnett states that:

...coupon printed, redemption instructions, and a user identification bar code number. The user identification bar code number is a unique number assigned to that user, e.g. his social security number or online identification number. This number will be encoded by the printable coupon data generation

routine 32d and printed as a bar code 90 on each coupon 18 printed for the particular user. This information will thus be obtained by the coupon redemption center and provided to the coupon distributor 16 for demographic analysis and the like.

The unique user bar code 90 also renders the electronic coupon system of the present invention secure and virtually fraud-proof. Although a user is able to print out a particular coupon 18 only once (to be described in detail below), the coupon issuer 14 could still be defrauded by a user or retailer who might photocopy a printed coupon numerous times and fraudulently and repeatedly present it for redemption. However, in accordance with the present invention, each coupon printed by a user is unique, and the scanning of a coupon presented for redemption will be stored at the coupon redemption center. Thus, the coupon issuer will know if a particular user has redeemed a particular coupon and thus disallow further redemption of a photocopied coupon bearing the same indicia.

Column 11 lines 39-44 in Barnett states that:

The electronic coupon data could also be routed via the data communications interface 20 to a retail store where the user will be shopping, where the coupon data is held in a buffer pending purchase by the user of the matching product.

Column 7 lines 12-21 in Barnett states that:

The printed coupons 18 are used in the normal fashion by a consumer when shopping at a desired retail store 10. That is, the coupons 18 are presented to a product checkout station 11 along with the associated products for purchase, and the discount amount shown on the coupon 18 is credited to the consumer at the point of sale. The redeemed coupons 18 are transmitted to a coupon redemption center 13 where they are electronically read, and user-specific data is stored in a coupon redemption database 12.

In reply, the applicants respectfully submit that these rejections should be reversed because they are not supported by either substantial evidence or proper legal conclusions.

(2) Dependency on Allowable Claims

Claims 117 and 118 depend from independent claim 102. Claims 163 and 164 depend from independent claim 148. Therefore, these rejections are improper and should be reversed for at least the reasons given above for claims 102 and 148.

i. **Rejection Under 103(a) of Claims 119 and 165**

(1) **The Examiner's Argument**

In support of the rejections of claims 119 and 165 under 35 USC 103(a) as being unpatentable over Barnett, the examiner states that:

Claim 119, 165: Barnett discloses the method, system according to claim 102, 148 and further discloses that said computer is a store level computer and further comprising the step of transmitting incentive offer criteria from a supervisory computer to said store computer (col 13, lines 1-10). [Office action mailed July 22, 2003 page 8 lines 3-6.]

Column 13 lines 1-10 in Barnett states that:

In accordance with the present invention, the marketing analysis, coupon packaging, and coupon package distribution functions carried out by the coupon distributor 16 may be carried out at the central data repository, i.e. Internet web site. Further, the coupon redemption and user redemption information processing functions individually carried out by the coupon redemption center 13 and the individual retail stores 10 may be combined into a single redemption center, as shown by the dotted line in FIG. 1. The physical layout of the functions within the system of the present invention is a matter a practicality and choice of the systems designer and does not impact the utility of the present invention. [Barnett at column 13 lines 1-10.]

In reply, the applicants respectfully submit that these rejections should be reversed because they are not supported by either substantial evidence or proper legal conclusions.

(2) **Dependency on Allowable Claims**

Claim 119 depends from independent claim 102. Claim 165 depends from independent claim 148. Therefore, these rejections are improper and should be reversed for at least the reasons given above for claims 102 and 148.

(3) **Claims 119 and 165 - A Store Level Computer and Transmitting Incentive Offer Criteria From a Supervisory Computer to the Store Computer**

The applicants respectfully submit that the rejections of claims 119 and 165 under 35 USC 103(a) should be reversed because they are not supported by either substantial evidence or proper legal conclusions. Claims 119 and 165 define transmitting incentive offer criteria from a supervisory computer to a store computer.

The cited passage in Barnett discloses a consumer's personal computer, as indicated in figure 1 of Barnett, and does not disclose or suggest transmitting incentive offer criteria from a supervisory computer to a store computer. Therefore, the inventions defined by claims 102 and 148 would not have been obvious to one of ordinary skill in the art in view of Barnett. Therefore, the rejections of claims 102 and 148 are improper and should be reversed.

j. Rejection Under 103(a) of Claims 120, 121, 166, and 167

(1) The Examiner's Argument

In support of the rejections of claims 120, 121, 166, and 167 under 35 USC 103(a) as being unpatentable over Barnett, the examiner states that:

Claim 120, 121, 166, 167: Barnett discloses the method, system according to claim 102, 148 and further discloses the step of displaying at said kiosk a list of incentive offers for products associated with incentive offer criteria satisfied by said customer's customer shopping habit data, further comprising the step of displaying at said kiosk a list of all incentive offers for products associated with incentive offer criteria satisfied by said customer's customer shopping habit data. (col 10, lines 1-30; col 12, lines 37-62). [Office action mailed July 22, 2003 page 8 lines 7-12.]

Column 10 lines 1-30 in Barnett states that:

The coupon file function button 56 enables the user to perform several operations on his selected coupon data file 30b. The user may view the coupons selected (from the selected coupon data file 30b), and may choose any of them for printing. Further, a sortation option is provided which logically sorts, by category and subcategory, the coupons stored. Thus, the management program automatically places all the dairy coupons together, and may also place all the milk coupons together within the dairy category. This is carried out by the coupon sortation routine 32c, and is akin to the manual filing system used in the prior art and will aid the user in viewing his selected but unprinted coupons in an efficient manner. The sorted coupons may be loaded into the sorted coupon data file 30c for subsequent viewing and printing. The user may optionally sort the coupons manually by his own classification.

The shopping list function button 58 calls the shopping list generation routine 32g when selected by the user. This routine will allow the user to generate a list from a menu presented on the screen whichever items the user desires to purchase, and the user can store and/or print this list as desired. The items on the list are compared against coupon data stored in the coupon database 30 and the user is informed of their existence. The user may then print out those coupons along with the shopping list. Alternatively, the user may select certain coupons for printing, and the item associated therewith is automatically placed on the

shopping list. Thus, in either fashion, the user's shopping list generation and coupon "clipping" tasks are conveniently merged in a timesaving manner. [Barnett at column 10 lines 1-30.]

Column 12 lines 37-62 in Barnett states that:

The information stored in the database 11 is input to the marketing and targeting analysis means 17, which carries out the function of analyzing the aforementioned information in a manner known in the art to arrive at different coupon packages. That is, it may be determined by the analysis means 17 that users with dogs in their household (which is known by the demographic responses) will get a certain package comprising dog food coupons. It may be further determined that users who select, print and redeem dog food coupons of Brand X will get coupons issued by Brand Y, or will get only low value coupons since they are already dog food coupon users, etc. That is, depending on the marketing and targeting criteria and objectives, the analysis means will generate coupon packages as desired.

Thus, the analysis means generates a number of differing coupon data packages for transmittal to the online service provider 2. The analysis means also provides specific mapping information which will instruct the online service provider as to which user should be provided with which package(s). For example, user 1 may be mapped to coupon data packages 2 and 3; user no. 2 to packages 3 and 6, etc. This mapping function may be carried out by the coupon distributor and provided to the online service provider at regular intervals, e.g. once per week. Thus, the coupon selection, printing and redemption habits may be analyzed over a time period and used to determine the subsequent targeted packages. [Barnett at column 12 lines 37-62.]

In reply, the applicants respectfully submit that these rejections should be reversed because they are not supported by either substantial evidence or proper legal conclusions.

(2) Dependency on Allowable Claims

Claims 120 and 121 depend from independent claim 102. Claims 166 and 167 depend from independent claim 148. Therefore, these rejections are improper and should be reversed for at least the reasons given above for claims 102 and 148.

(3) Claims 120 and 166 - Displaying at a Kiosk a List of Incentive Offers for Products Associated with Incentive Offer Criteria Satisfied by a Customer's Customer Shopping Habit Data

The applicants respectfully submit that the rejections of claims 120 and 166 under 35 USC 103(a) should be reversed because they are not supported by either substantial evidence or

proper legal conclusions. Claims 120 and 166 define displaying at a kiosk a list of incentive offers for products associated with incentive offer criteria satisfied by a customer's customer shopping habit data.

The examiner asserted that column 8 lines 14-26 in Barnett discloses displaying at a kiosk a list of incentive products associated with incentive offer criteria satisfied by a customer's shopping habit data that meet criteria independent of a customer's shopping habit data. Office action mailed July 22, 2003 page 25 line 29 through page 26 line 5. That assertion is incorrect. Barnett at column 8 lines 14-26 does not disclose displaying at a kiosk a list of incentive products associated with incentive offer criteria satisfied by a customer's shopping habit data that meet criteria independent of a customer's shopping habit data. Column 8 lines 14-26 in Barnett states that:

The coupon packages file 40 comprises electronic coupon data and other types of advertising materials supplied by the various coupon issuers 14 through the coupon distributor 16. Individual users' coupon data packages are drawn from this file based on demographic data and historic buying profiles stored in the demographic data file 42. Advertisements may consist of graphics, text, recipes, competitions or other inducements or a combination thereof.

After joining the electronic coupon service, the user can order a package of electronic coupons from the online service provider 2 by selecting the download coupon function button 64.

The examiner also asserted that column 10 lines 23-25 in Barnett discloses displaying at a kiosk a list of incentive products associated with incentive offer criteria satisfied by a customer's shopping habit data that meet criteria independent of a customer's shopping habit data. Office action mailed July 22, 2003 page 26 lines 24-26. That assertion is incorrect. Barnett at column 10 lines 23-25 does not disclose displaying at a kiosk a list of incentive products associated with incentive offer criteria satisfied by a customer's shopping habit data that meet criteria independent of a customer's shopping habit data. Column 10 lines 23-25 in Barnett states that:

The items on the list are compared against coupon data stored in the coupon database 30 and the user is informed of their existence.

The examiner also asserted that column 10 lines 28-30 in Barnett discloses displaying at a kiosk a list of incentive products associated with incentive offer criteria satisfied by a customer's shopping habit data that meet criteria independent of a customer's shopping habit data. Office

action mailed July 22, 2003 page 26 lines 27-29. That assertion is incorrect. Barnett at column 10 lines 28-30 does not disclose displaying at a kiosk a list of incentive products associated with incentive offer criteria satisfied by a customer's shopping habit data that meet criteria independent of a customer's shopping habit data. Column 10 lines 28-30 in Barnett states that:

Thus, in either fashion, the user's shopping list generation and coupon "clipping" tasks are conveniently merged in a timesaving manner.

The examiner mistakenly construes the three cited passages in Barnett as disclosing displaying at a kiosk a list of incentive offers for products. However, Barnett discloses displaying at the consumer's personal computer a list of incentive offers for products. Barnett states that:

The requested coupon data package and associated advertising materials are transmitted by the online service provider 2 to the personal computer 6, where it is stored in the downloaded coupon data file 30a in the coupon database 30. [Barnett column 8 lines 28-32.]

Moreover, Barnett does not disclose a kiosk. Therefore, the examiner's assertion that this passage discloses displaying at a kiosk a list of incentive offers for products associated with incentive offer criteria satisfied by a customer's customer shopping habit data is incorrect. Therefore, the inventions defined by claims 120 and 166 would not have been obvious to one of ordinary skill in the art in view of Barnett. Therefore, the rejections of claims 120 and 166 are improper and should be reversed.

(4) Claims 121 and 167 - Displaying at a Kiosk a List of All Incentive Offers for Products Associated with Incentive Offer Criteria Satisfied by a Customer's Customer Shopping Habit Data

Claims 121 and 167 define displaying at a kiosk a list of all incentive offers for products associated with incentive offer criteria satisfied by a customer's customer shopping habit data. However, the examiner did not specify which teachings of Barnett correspond to the limitations of claims 121 and 167. Therefore, there is no *prima facie* rejection of claims 121 and 167. Therefore, the rejections should be reversed.

Moreover, Barnett does not disclose or suggest a kiosk. Therefore, the examiner's assertion that Barnett discloses displaying at a kiosk a list of all incentive offers for products

associated with incentive offer criteria satisfied by a customer's customer shopping habit data is incorrect. Therefore, the inventions defined by claims 121 and 167 would not have been obvious to one of ordinary skill in the art in view of Barnett. Therefore, the rejections of claims 121 and 167 are improper and should be reversed.

k. Rejection Under 103(a) of Claims 122 and 168

(1) The Examiner's Argument

In support of the rejections of claims 122 and 168 under 35 USC 103(a) as being unpatentable over Barnett, the examiner states that:

Claim 122, 168: Barnett discloses the method, system according to claim 102, 148 and further discloses the step of displaying at said kiosk a list of incentive offers for products (1) associated with incentive offer criteria satisfied by said customer's customer shopping habit data and (2) that meet criteria independent of said customer's shopping habit data (col 10, lines 1-30; col 12, lines 37-62). [Office action mailed July 22, 2003 page 8 lines 13-17.]

In reply, the applicants respectfully submit that these rejections should be reversed because they are not supported by either substantial evidence or proper legal conclusions.

(2) Dependency on Allowable Claims

Claim 122 depends from independent claim 102. Claim 178 depends from independent claim 148. Therefore, these rejections are improper and should be reversed for at least the reasons given above for claims 102 and 148.

(3) Claims 122 and 168 - Further Definition Over Barnett

The applicants respectfully submit that the rejections of claims 122 and 168 under 35 USC 103(a) should be reversed because they are not supported by either substantial evidence or proper legal conclusions. Claims 122 and 178 define displaying at a kiosk a list of incentive offers for products (1) associated with incentive offer criteria satisfied by a customer's customer shopping habit data and (2) that meet criteria independent of a customer's shopping habit data. However, the examiner did not specify which teachings of Barnett correspond to the limitations of claims 122 and 168. Therefore, there is no *prima facie* rejection of claims 122 and 168. Therefore, the rejections should be reversed.

Moreover, Barnett does not disclose or suggest a kiosk. Therefore, the examiner's assertion that Barnett discloses displaying at a kiosk a list of incentive offers for products (1)

associated with incentive offer criteria satisfied by a customer's customer shopping habit data and (2) that meet criteria independent of a customer's shopping habit data is incorrect. Therefore, the inventions defined by claims 120 and 166 would not have been obvious to one of ordinary skill in the art in view of Barnett. Therefore, the rejections of claims 120 and 166 are improper and should be reversed.

1. Rejection Under 103(a) of Claims 123-125 and 169-171

(1) The Examiner's Argument

In support of the rejections of claims 123-125 and 169-171 under 35 USC 103(a) as being unpatentable over Barnett, the examiner states that:

Claim 123, 124, 125, 169-171: Barnett discloses the method, system according to claim 102, 148 and further discloses the step of setting a time limit to said incentive offer (col 13, lines 18-20), wherein said time limit is on the order of a few hours, wherein said time limit is about 3 hours (col 13, lines 17-21). Barnett does not explicitly disclose that the time limit can be set to a few hours. However, Barnett discloses that the coupons can be adjusted to better fit certain conditions (col 12, lines 37-63; col 13, lines 24-35). Therefore, it is obvious that the time limit can be set to any favorable amount of time. One would have been motivated to do this so that coupons better incite customers to make immediate or timely purchases. [Office action mailed July 22, 2003 page 8 line 18 through page 9 line 4.]

Column 13 lines 17-35 in Barnett states that:

In an alternative embodiment of the present invention, the user is provided with a visual or auditory stimulus or cue to suggest an access of the electronic coupon distribution system. Referring to FIG. 7, a message or logo may be included along with the advertising material normally provided on television, in the newspapers, and the like. This will indicate to a user that he should access the online service provider 2 in order to obtain coupon data related to the advertised product. The availability of the coupon could be time-sensitive, which would provide further incentive to the user to use the system in a prompt and efficient manner. When the radio media is used, a tonal or spoken cue may be included during the advertising message to accomplish the same result.

The amount of redemption discount included with a coupon downloaded to a user may be varied depending on certain demographic information that the system has about the user. For instance, the system may provide a certain value for known users of a brand (which information it will obtain by demographic inquiry or through previous redemptions in the system), and it may provide a higher discount in order to provide an incentive to users of a competitive brand. The ability to vary the value of a discount offer in accordance with such

demographic and usage data is a unique advantage offered by the system of the present invention and heretofore unavailable in the prior art. [Barnett at column 13 lines 9-35.]

Column 12 lines 37-63 in Barnett states that:

The information stored in the database 11 is input to the marketing and targeting analysis means 17, which carries out the function of analyzing the aforementioned information in a manner known in the art to arrive at different coupon packages. That is, it may be determined by the analysis means 17 that users with dogs in their household (which is known by the demographic responses) will get a certain package comprising dog food coupons. It may be further determined that users who select, print and redeem dog food coupons of Brand X will get coupons issued by Brand Y, or will get only low value coupons since they are already dog food coupon users, etc. That is, depending on the marketing and targeting criteria and objectives, the analysis means will generate coupon packages as desired.

Thus, the analysis means generates a number of differing coupon data packages for transmittal to the online service provider 2. The analysis means also provides specific mapping information which will instruct the online service provider as to which user should be provided with which package(s). For example, user 1 may be mapped to coupon data packages 2 and 3; user no. 2 to packages 3 and 6, etc. This mapping function may be carried out by the coupon distributor and provided to the online service provider at regular intervals, e.g. once per week. Thus, the coupon selection, printing and redemption habits may be analyzed over a time period and used to determine the subsequent targeted packages. [Barnett at column 12 lines 37-63.]

In reply, the applicants respectfully submit that these rejections should be reversed because they are not supported by either substantial evidence or proper legal conclusions.

(2) Dependency on Allowable Claims

Claims 123-125 depend from independent claim 102. Claims 169-171 depend from independent claim 148. Therefore, these rejections are improper and should be reversed for at least the reasons given above for claims 102 and 148.

(3) Claims 123 and 169 - Setting a Time Limit to an Incentive Offer

The applicants respectfully submit that the rejections of claims 123-125 and 169-171 under 35 USC 103(a) should be reversed because they are not supported by either substantial evidence or proper legal conclusions. The subject matter of claims 123-125 and 169-171 finds support in the specification, for example, at page 41 lines 17-22, which states that:

FIG. 20 is a flow chart illustrating deletion of expired special offers. Special offers are valid for a predetermined amount of time after a customer presents a card 22 to the kiosk 26. If the customer does not present the card 22 to the check-out 34 within a predetermined amount of time, the special offers are canceled by the store level computer 12. [Specification at page 41 lines 17-22.]

Claims 123 and 169 define setting a time limit to an incentive offer. However, the examiner did not specify which teachings of Barnett correspond to the limitations of claims 123 and 169. Therefore, there is no *prima facie* rejection of claims 123 and 169. Therefore, the rejections should be reversed.

Moreover, Barnett does not disclose or suggest setting a time limit to an incentive offer. Therefore, the inventions defined by claims 123 and 169 would not have been obvious to one of ordinary skill in the art in view of Barnett. Therefore, the rejections of claims 123 and 169 are improper and should be reversed.

(4) Claims 124 and 170 - Setting a Time Limit on the Order of a Few Hours

Claims 124 and 170 define a time limit on the order of a few hours. However, the examiner did not specify which teachings of Barnett correspond to the limitations of claims 124 and 170. Therefore, there is no *prima facie* rejection of claims 124 and 170. Therefore, the rejections should be reversed.

Moreover, Barnett does not disclose or suggest a time limit on the order of a few hours. Therefore, the inventions defined by claims 124 and 170 would not have been obvious to one of ordinary skill in the art in view of Barnett. Therefore, the rejections of claims 124 and 170 are improper and should be reversed.

(5) Claims 125 and 171 - Setting a Time Limit of About Three Hours

Claims 125 and 171 define a time limit of about 3 hours. However, the examiner did not specify which teachings of Barnett correspond to the limitations of claims 125 and 171. Therefore, there is no *prima facie* rejection of claims 125 and 171. Therefore, the rejections should be reversed.

Moreover, Barnett does not disclose or suggest a time limit of about 3 hours. Therefore, the inventions defined by claims 125 and 171 would not have been obvious to one of ordinary

skill in the art in view of Barnett. Therefore, the rejections of claims 125 and 171 are improper and should be reversed.

m. Rejection Under 103(a) of Claims 126, 127, 172, and 173

(1) The Examiner's Argument

In support of the rejections of claims 126, 127, 172, and 173 under 35 USC 103(a) as being unpatentable over Barnett, the examiner states that:

Claim 126, 127, 172, 173: Barnett discloses the method, system according to claim 102, 148, and further discloses the step of determining incentive offers for said customer based upon product stock availability (col 10, lines 31-38; col 10, lines 20-25), further comprising determining incentive offers for said customer based upon a quantity of said customer's customer shopping habit data associated with said customer's customer identification stored in said database (col 10, lines 1-30; col 12, lines 37-62). [Office action mailed July 22, 2003 page 9 lines 5-10.]

Column 10 lines 1-46 in Barnett states that:

The coupon file function button 56 enables the user to perform several operations on his selected coupon data file 30b. The user may view the coupons selected (from the selected coupon data file 30b), and may choose any of them for printing. Further, a sortation option is provided which logically sorts, by category and subcategory, the coupons stored. Thus, the management program automatically places all the dairy coupons together, and may also place all the milk coupons together within the dairy category. This is carried out by the coupon sortation routine 32c, and is akin to the manual filing system used in the prior art and will aid the user in viewing his selected but unprinted coupons in an efficient manner. The sorted coupons may be loaded into the sorted coupon data file 30c for subsequent viewing and printing. The user may optionally sort the coupons manually by his own classification.

The shopping list function button 58 calls the shopping list generation routine 32g when selected by the user. This routine will allow the user to generate a list from a menu presented on the screen whichever items the user desires to purchase, and the user can store and/or print this list as desired. The items on the list are compared against coupon data stored in the coupon database 30 and the user is informed of their existence. The user may then print out those coupons along with the shopping list. Alternatively, the user may select certain coupons for printing, and the item associated therewith is automatically placed on the shopping list. Thus, in either fashion, the user's shopping list generation and coupon "clipping" tasks are conveniently merged in a timesaving manner.

The shopping list generation routine 32g may also advantageously use data stored in the store-specific data file 30e in order to prepare a shopping list tailored to an individual retail store. Thus, data regarding the layout of the store, the food

items available at the store, and the like, are used by the list generation routine 32g in order to organize the purchase items accordingly. The data stored in the store-specific data file 30e may be obtained by any of several methods; by downloading from the online service provider 2, by inputting via a floppy disk memory supplied by the store, or even manually input by the user. Data for different stores can be kept in the file 30e and the user simply selects the store he intends on using at that particular time. The user may select a standard pre-programmed shopping list, his last generated shopping list, or a blank shopping list from which to commence his shopping list preparation. [Barnett at column 10 lines 1-46.]

Column 12 lines 37-62 in Barnett states that:

The information stored in the database 11 is input to the marketing and targeting analysis means 17, which carries out the function of analyzing the aforementioned information in a manner known in the art to arrive at different coupon packages. That is, it may be determined by the analysis means 17 that users with dogs in their household (which is known by the demographic responses) will get a certain package comprising dog food coupons. It may be further determined that users who select, print and redeem dog food coupons of Brand X will get coupons issued by Brand Y, or will get only low value coupons since they are already dog food coupon users, etc. That is, depending on the marketing and targeting criteria and objectives, the analysis means will generate coupon packages as desired.

Thus, the analysis means generates a number of differing coupon data packages for transmittal to the online service provider 2. The analysis means also provides specific mapping information which will instruct the online service provider as to which user should be provided with which package(s). For example, user 1 may be mapped to coupon data packages 2 and 3; user no. 2 to packages 3 and 6, etc. This mapping function may be carried out by the coupon distributor and provided to the online service provider at regular intervals, e.g. once per week. Thus, the coupon selection, printing and redemption habits may be analyzed over a time period and used to determine the subsequent targeted packages. [Barnett at column 12 lines 37-62.]

In reply, the applicants respectfully submit that these rejections should be reversed because they are not supported by either substantial evidence or proper legal conclusions.

(2) Dependency on Allowable Claims

Claims 126 and 127 depend from independent claim 102. Claims 172 and 173 depend from independent claim 148. Therefore, these rejections are improper and should be reversed for at least the reasons given above for claims 102 and 148.

(3) Claims 126 and 172 - Determining Incentive Offers for a Customer Based Upon Product Stock Availability

The applicants respectfully submit that the rejections of claims 126 and 172 under 35 USC 103(a) should be reversed because they are not supported by either substantial evidence or proper legal conclusions. Claims 126 and 172 define determining incentive offers for a customer based upon product stock availability.

The examiner asserted that column 10 lines 34-38 in Barnett discloses determining incentive offers for a customer based upon product stock availability. Office action mailed July 22, 2003 page 27 lines 3-6. That assertion is incorrect. Barnett at column 10 lines 34-38 does not disclose determining incentive offers for a customer based upon product stock availability. Column 10 lines 34-38 in Barnett states that:

Thus, data regarding the layout of the store, the food items available at the store, and the like, are used by the list generation routine 32g in order to organize the purchase items accordingly.

The information in this disclosure refers to shopping lists, product location within the store, and whether the store carries the products. It does not refer to the store's on-hand level of inventory. Therefore, the cited passage does not disclose determining incentive offers for a customer based upon product stock availability. Therefore, the rejections of claims 126 and 172 are improper and should be reversed.

The examiner also asserted that column 1 lines 11-13 in Barnett discloses determining incentive offers for a customer based upon product stock availability. Office action mailed July 22, 2003 page 27 lines 13-15. That assertion is incorrect. Barnett at column 1 lines 11-13 does not disclose determining incentive offers for a customer based upon product stock availability. Column 1 lines 11-13 in Barnett states that:

Manufacturers also find coupons can shore up flagging sales, help reduce excess inventory or win back consumers' brand loyalty.

The information in the cited passage does not disclose determining incentive offers for a customer based upon product stock availability. Therefore, the inventions defined by claims 126 and 172 would not have been obvious to one of ordinary skill in the art in view of Barnett. Therefore, the rejections of claims 126 and 172 are improper and should be reversed.

(4) **Claims 127 and 173 - Determining Incentive Offers for a Customer Based Upon a Quantity of a Customer's Customer Shopping Habit Data Associated with a Customer's Customer Identification Stored in a Database**

Claims 127 and 173 define determining incentive offers for a customer based upon a quantity of a customer's customer shopping habit data associated with a customer's customer identification stored in a database. However, the examiner did not specify which teachings of Barnett correspond to the limitations of claims 127 and 173. Therefore, there is no *prima facie* rejection of claims 127 and 173. Therefore, the rejections should be reversed.

Moreover, Barnett does not disclose or suggest determining incentive offers for a customer based upon a quantity of a customer's customer shopping habit data associated with a customer's customer identification stored in a database. Therefore, the inventions defined by claims 127 and 173 would not have been obvious to one of ordinary skill in the art in view of Barnett. Therefore, the rejections of claims 127 and 173 are improper and should be reversed.

n. **Rejection Under 103(a) of Claims 128 and 174**

(1) **The Examiner's Argument**

In support of the rejections of claims 128 and 174 under 35 USC 103(a) as being unpatentable over Barnett, the examiner states that:

Claim 128, 174: Barnett discloses the method, system according to claim 102, 148 and further discloses limiting a number of incentive offers communicated to said kiosk for said customer to a predetermined number (col 3, lines 44-52). [Office action mailed July 22, 2003 page 9 lines 11-13.]

Column 3 lines 44-52 in Barnett states that:

U.S. Pat. No. 4,674,041 to Lemon et al. discloses a system with remotely located coupon printing stations capable of *limiting the number of coupons printed in a given time period*. Each coupon station has a display for indicating the available coupons, selection means to allow the consumer to choose the desired coupon, and a coupon printer. The system disables display of a particular coupon when a preselected coupon limit has been reached. [Barnett at column 3 lines 44-52; emphasis added.]

In reply, the applicants respectfully submit that these rejections should be reversed because they are not supported by either substantial evidence or proper legal conclusions.

(2) Dependency on Allowable Claims

Claim 128 depends from independent claim 102. Claim 174 depends from independent claim 148. Therefore, these rejections are improper and should be reversed for at least the reasons given above for claims 102 and 148.

(3) Claims 128 and 174 - Further Definition Over Barnett

The examiner asserted that column 3 lines 44-52 in Barnett discloses limiting a number of incentive offers communicated to a kiosk for a customer to a predetermined number. That assertion is incorrect. Column 3 lines 44-52 is a reference to the Lemon et al. patent in the Background of the Invention section of Barnett and that reference does not imply that Barnett included a system or method for limiting a number of incentive offers communicated to a kiosk for a customer to a predetermined number. Barnett does not disclose limiting a number of incentive offers communicated to a kiosk for a customer to a predetermined number.

Moreover, Barnett does not disclose or suggest a kiosk, and therefore, it cannot disclose limiting a number of incentive offers communicated to a kiosk for a customer to a predetermined number.

Moreover, the disclosure in Barnett does not disclose or suggest limiting a number of incentive offers communicated to a kiosk for a customer to a predetermined number, because it does not disclose any reason for limiting the number of coupons printed. Therefore, the inventions defined by claims 128 and 174 would not have been obvious to one of ordinary skill in the art in view of Barnett. Therefore, the rejections of claims 128 and 174 are improper and should be reversed.

o. Rejection Under 103(a) of Claims 129 and 175

(1) The Examiner's Argument

In support of the rejections of claims 129 and 175 under 35 USC 103(a) as being unpatentable over Barnett, the examiner states that:

Claim 129, 175 : Barnett discloses the method, system according to claim 102, 148 and further discloses displaying at said kiosk for said customer (1) broadcast special offers and (2) offers that depend upon whether said customer's customer shopping habit data meets said incentive offer criteria (col 10, lines 1-30; col 12, lines 37-62). [Office action mailed July 22, 2003 page 9 lines 14-17.]

Column 10 lines 1-30 in Barnett states that:

The coupon file function button 56 enables the user to perform several operations on his selected coupon data file 30b. The user may view the coupons selected (from the selected coupon data file 30b), and may choose any of them for printing. Further, a sortation option is provided which logically sorts, by category and subcategory, the coupons stored. Thus, the management program automatically places all the dairy coupons together, and may also place all the milk coupons together within the dairy category. This is carried out by the coupon sortation routine 32c, and is akin to the manual filing system used in the prior art and will aid the user in viewing his selected but unprinted coupons in an efficient manner. The sorted coupons may be loaded into the sorted coupon data file 30c for subsequent viewing and printing. The user may optionally sort the coupons manually by his own classification.

The shopping list function button 58 calls the shopping list generation routine 32g when selected by the user. This routine will allow the user to generate a list from a menu presented on the screen whichever items the user desires to purchase, and the user can store and/or print this list as desired. The items on the list are compared against coupon data stored in the coupon database 30 and the user is informed of their existence. The user may then print out those coupons along with the shopping list. Alternatively, the user may select certain coupons for printing, and the item associated therewith is automatically placed on the shopping list. Thus, in either fashion, the user's shopping list generation and coupon "clipping" tasks are conveniently merged in a timesaving manner. [Barnett at column 10 lines 1-30.]

Column 12 lines 37-62 in Barnett states that:

The information stored in the database 11 is input to the marketing and targeting analysis means 17, which carries out the function of analyzing the aforementioned information in a manner known in the art to arrive at different coupon packages. That is, it may be determined by the analysis means 17 that users with dogs in their household (which is known by the demographic responses) will get a certain package comprising dog food coupons. It may be further determined that users who select, print and redeem dog food coupons of Brand X will get coupons issued by Brand Y, or will get only low value coupons since they are already dog food coupon users, etc. That is, depending on the marketing and targeting criteria and objectives, the analysis means will generate coupon packages as desired.

Thus, the analysis means generates a number of differing coupon data packages for transmittal to the online service provider 2. The analysis means also provides specific mapping information which will instruct the online service provider as to which user should be provided with which package(s). For example, user 1 may be mapped to coupon data packages 2 and 3; user no. 2 to

packages 3 and 6, etc. This mapping function may be carried out by the coupon distributor and provided to the online service provider at regular intervals, e.g. once per week. Thus, the coupon selection, printing and redemption habits may be analyzed over a time period and used to determine the subsequent targeted packages. [Barnett at column 12 lines 37-62.]

In reply, the applicants respectfully submit that these rejections should be reversed because they are not supported by either substantial evidence or proper legal conclusions.

(2) Dependency on Allowable Claims

Claim 129 depends from independent claim 102. Claim 175 depends from independent claim 148. Therefore, these rejections are improper and should be reversed for at least the reasons given above for claims 102 and 148.

(3) Claims 129 and 175 - Further Definition Over Barnett

The applicants respectfully submit that the rejections of claims 129 and 175 under 35 USC 103(a) should be reversed because they are not supported by either substantial evidence or proper legal conclusions. The subject matter of claims 129 and 175 finds support in the specification, for example, at page 12 lines 1-7, which states that:

The first few times the customer uses the card 22, the computer 12 will have little information about the customer's buying habits. Therefore, the special offers available to the customer may not contain many targeted special offers. To keep the customer interested in using the card, while purchasing behavior information is being obtained, the customer will be given *broadcast special offers, which are special offers available to everyone* (as opposed to targeted special offers). [Specification at page 12 lines 1-7; emphasis added.]

Claims 129 and 175 define displaying at a kiosk for a customer (1) broadcast special offers and (2) offers that depend upon whether a customer's customer shopping habit data meets a incentive offer criteria.

The examiner asserted that column 3 lines 12-15 in Barnett discloses displaying at a kiosk for said customer broadcast special offers to a customer only if less than a predetermined quantity of customer shopping habit data associated with a computer identification is stored in a database. Office action mailed July 22, 2003 page 27 lines 16-20. That assertion is incorrect. Column 3 lines 12-15 is a reference to the Von Kohorn patent in the Background of the Invention section of Barnett, and that reference does not imply that Barnett's system included displaying at a kiosk for

a customer (1) broadcast special offers and (2) offers that depend upon whether a customer's customer shopping habit data meets a incentive offer criteria. Barnett does not disclose displaying at a kiosk for a customer (1) broadcast special offers and (2) offers that depend upon whether a customer's customer shopping habit data meets a incentive offer criteria.

The examiner also asserted that column 12 lines 41-50 in Barnett discloses displaying at a kiosk for said customer broadcast special offers to a customer only if less than a predetermined quantity of customer shopping habit data associated with a computer identification is stored in a database. Office action mailed July 22, 2003 page 28 lines 8-18. That assertion is incorrect. Barnett at column 12 lines 41-50 does not disclose displaying at a kiosk for said customer broadcast special offers to a customer only if less than a predetermined quantity of customer shopping habit data associated with a computer identification is stored in a database. Column 12 lines 41-50 in Barnett states that:

That is, it may be determined by the analysis means 17 that users with dogs in their household (which is known by the demographic responses) will get a certain package comprising dog food coupons. It may be further determined that users who select, print and redeem dog food coupons of Brand X will get coupons issued by Brand Y, or will get only low value coupons since they are already dog food coupon users, etc. That is, depending on the marketing and targeting criteria and objectives, the analysis means will generate coupon packages as desired.

Barnett does not disclose or suggest a kiosk. Therefore, the examiner's assertion that this passage discloses displaying at a kiosk for a customer (1) broadcast special offers and (2) offers that depend upon whether a customer's customer shopping habit data meets a incentive offer criteria is incorrect. Therefore, the inventions defined by claims 129 and 175 would not have been obvious to one of ordinary skill in the art in view of Barnett. Therefore, the rejections of claims 129 and 175 are improper and should be reversed.

p. Rejection Under 103(a) of Claims 130 and 176

(1) The Examiner's Argument

In support of the rejections of claims 130 and 176 under 35 USC 103(a) as being unpatentable over Barnett, the examiner states that:

Claim 130, 176: Barnett discloses the method, system according to claim 102, 148 and further discloses displaying at said kiosk for said customer broadcast special offers to said customer only if less than a predetermined quantity of

customer shopping habit data associated with said customer identification is stored in said database (col 9, lines 1-33; col 10, lines 1-30; col 12, lines 37-62). [Office action mailed July 22, 2003 page 9 lines 18-22.]

Column 9 lines 1-33 in Barnett states that:

The coupon database file 30 is segmented into various sections as shown in the memory map of FIG. 2. The coupon database of the preferred embodiment comprises downloaded coupon data 30a, which is the entire coupon data package downloaded from the online service provider 2; selected coupon data 30b, which is a subset of the downloaded data and represents specific coupons electronically "clipped" and stored therein; sorted coupon data 30c, which is selected coupon data sorted in accordance with a particular set of criteria (e.g. all fruits together, then all dairy products, etc.); fixed coupon parameters and user-specific data 30d, which is certain unvarying data used in printing the coupons as will be described in detail below; and store-specific data 30e, which is information regarding the product arrangement in a certain retail store 10 which will allow the user to prepare a shopping list tailored to the particular store.

The offline coupon data management routines 32 are executed by the processor 26 in conjunction with the coupon database 30 in order to request, obtain, store, select, sort, and print coupons as desired. The offline coupon data management routines 32 are executed by selecting a desired function button 52, 54, 56, or 58 as shown in the offline display screen 50 in FIG. 4b. The offline display screen 50 is shown on the display 24 when the user runs the coupon data management program on his or her personal computer 6. The offline coupon data management routines 32 are executed in an offline fashion; that is, the user does not need to first be in online communication with the service provider 2. If a particular function button 52, 54, 56, or 58 chosen by the user initiates a routine 32 which requires online communication, that routine will initiate, control and terminate an online session with the service provider 2 automatically. [Barnett at column 9 lines 1-33.]

Column 10 lines 1-30 in Barnett states that:

The coupon file function button 56 enables the user to perform several operations on his selected coupon data file 30b. The user may view the coupons selected (from the selected coupon data file 30b), and may choose any of them for printing. Further, a sortation option is provided which logically sorts, by category and subcategory, the coupons stored. Thus, the management program automatically places all the dairy coupons together, and may also place all the milk coupons together within the dairy category. This is carried out by the coupon sortation routine 32c, and is akin to the manual filing system used in the prior art and will aid the user in viewing his selected but unprinted coupons in an efficient manner. The sorted coupons may be loaded into the sorted coupon data file 30c for subsequent viewing and printing. The user may optionally sort the coupons

manually by his own classification.

The shopping list function button 58 calls the shopping list generation routine 32g when selected by the user. This routine will allow the user to generate a list from a menu presented on the screen whichever items the user desires to purchase, and the user can store and/or print this list as desired. The items on the list are compared against coupon data stored in the coupon database 30 and the user is informed of their existence. The user may then print out those coupons along with the shopping list. Alternatively, the user may select certain coupons for printing, and the item associated therewith is automatically placed on the shopping list. Thus, in either fashion, the user's shopping list generation and coupon "clipping" tasks are conveniently merged in a timesaving manner. [Barnett at column 10 lines 1-30.]

Column 12 lines 37-62 in Barnett states that:

The information stored in the database 11 is input to the marketing and targeting analysis means 17, which carries out the function of analyzing the aforementioned information in a manner known in the art to arrive at different coupon packages. That is, it may be determined by the analysis means 17 that users with dogs in their household (which is known by the demographic responses) will get a certain package comprising dog food coupons. It may be further determined that users who select, print and redeem dog food coupons of Brand X will get coupons issued by Brand Y, or will get only low value coupons since they are already dog food coupon users, etc. That is, depending on the marketing and targeting criteria and objectives, the analysis means will generate coupon packages as desired.

Thus, the analysis means generates a number of differing coupon data packages for transmittal to the online service provider 2. The analysis means also provides specific mapping information which will instruct the online service provider as to which user should be provided with which package(s). For example, user 1 may be mapped to coupon data packages 2 and 3; user no. 2 to packages 3 and 6, etc. This mapping function may be carried out by the coupon distributor and provided to the online service provider at regular intervals, e.g. once per week. Thus, the coupon selection, printing and redemption habits may be analyzed over a time period and used to determine the subsequent targeted packages. [Barnett at column 12 lines 37-62.]

In reply, the applicants respectfully submit that these rejections should be reversed because they are not supported by either substantial evidence or proper legal conclusions.

(2) Dependency on Allowable Claims

Claim 130 depends from independent claim 102. Claim 176 depends from independent claim 148. Therefore, these rejections are improper and should be reversed for at least the

reasons given above for claims 102 and 148.

(3) Claims 130 and 176 - Further Definition Over Barnett

The applicants respectfully submit that the rejections of claims 130 and 176 under 35 USC 103(a) should be reversed because they are not supported by either substantial evidence or proper legal conclusions. Claims 130 and 176 define displaying at a kiosk for said customer broadcast special offers to a customer only if less than a predetermined quantity of customer shopping habit data associated with a customer identification is stored in a database. However, the examiner did not specify which teachings of Barnett correspond to the limitations of claims 130 and 176. Therefore, there is no *prima facie* rejection of claims 130 and 176. Therefore, the rejections should be reversed.

Moreover, Barnett does not disclose a kiosk. Therefore, the examiner's assertion that Barnett discloses displaying at a kiosk for said customer broadcast special offers to a customer only if less than a predetermined quantity of customer shopping habit data associated with a customer identification is stored in a database is incorrect. Therefore, the inventions defined by claims 130 and 176 would not have been obvious to one of ordinary skill in the art in view of Barnett. Therefore, the rejections of claims 130 and 176 are improper and should be reversed.

q. Rejection Under 103(a) of Claims 131 and 177

(1) The Examiner's Argument

In support of the rejections of claims 131 and 177 under 35 USC 103(a) as being unpatentable over Barnett, the examiner states that:

Claim 131, 177: Barnett discloses the method, system according to claim 122, 148 and further discloses the steps of determining a number of product incentive offers for which said customer's shopping habit data satisfies said incentive offer criteria;

ranking said product incentive offers for which said customer's shopping habit data satisfies said incentive offer criteria;

displaying, based upon said ranking, a predetermined number of the ranked incentive offers at said kiosk to said customer (col 9, lines 15-22; col 10, lines 1-30; col 12, lines 37-62; col 10, lines 1-16). [Office action mailed July 22, 2003 page 10 lines 1-8.]

Column 9 lines 15-22 in Barnett states that:

The offline coupon data management routines 32 are executed by the

processor 26 in conjunction with the coupon database 30 in order to request, obtain, store, select, sort, and print coupons as desired. The offline coupon data management routines 32 are executed by selecting a desired function button 52, 54, 56, or 58 as shown in the offline display screen 50 in FIG. 4b. [Barnett at column 9 lines 15-22.]

Column 10 lines 1-30 in Barnett states that:

The coupon file function button 56 enables the user to perform several operations on his selected coupon data file 30b. The user may view the coupons selected (from the selected coupon data file 30b), and may choose any of them for printing. Further, a sortation option is provided which logically sorts, by category and subcategory, the coupons stored. Thus, the management program automatically places all the dairy coupons together, and may also place all the milk coupons together within the dairy category. This is carried out by the coupon sortation routine 32c, and is akin to the manual filing system used in the prior art and will aid the user in viewing his selected but unprinted coupons in an efficient manner. The sorted coupons may be loaded into the sorted coupon data file 30c for subsequent viewing and printing. The user may optionally sort the coupons manually by his own classification.

The shopping list function button 58 calls the shopping list generation routine 32g when selected by the user. This routine will allow the user to generate a list from a menu presented on the screen whichever items the user desires to purchase, and the user can store and/or print this list as desired. The items on the list are compared against coupon data stored in the coupon database 30 and the user is informed of their existence. The user may then print out those coupons along with the shopping list. Alternatively, the user may select certain coupons for printing, and the item associated therewith is automatically placed on the shopping list. Thus, in either fashion, the user's shopping list generation and coupon "clipping" tasks are conveniently merged in a timesaving manner. [Barnett at column 10 lines 1-30.]

Column 12 lines 37-62 in Barnett states that:

The information stored in the database 11 is input to the marketing and targeting analysis means 17, which carries out the function of analyzing the aforementioned information in a manner known in the art to arrive at different coupon packages. That is, it may be determined by the analysis means 17 that users with dogs in their household (which is known by the demographic responses) will get a certain package comprising dog food coupons. [Barnett at column 12 lines 37-62.]

In reply, the applicants respectfully submit that these rejections should be reversed because they are not supported by either substantial evidence or proper legal conclusions.

(2) Dependency on Allowable Claims

Claim 131 depends from independent claim 102. Claim 177 depends from independent claim 148. Therefore, these rejections are improper and should be reversed for at least the reasons given above for claims 102 and 148.

(3) Claims 131 and 177 - Further Definition Over Barnett

The applicants respectfully submit that the rejections of claims 131 and 177 under 35 USC 103(a) should be reversed because they are not supported by either substantial evidence or proper legal conclusions. Claims 131 and 177 define determining a number of product incentive offers for which the customer's shopping habit data satisfies incentive offer criteria, ranking the product incentive offers for which the customer's shopping habit data satisfies the incentive offer criteria, and displays, based on the ranking, a predetermined number of the ranked incentive offers at the kiosk to the customer.

The subject matter of claims 131 and 177 finds support in the specification, for example, at page 18 lines 11-14, which states that:

...Because the store level computers maintain records of purchase behavior, the supervisory computer 16 is capable of printing out reports of whether targeted special offers were accepted, and *with what degree of success*. [Specification at page 18 lines 11-14; emphasis added.]

The examiner asserted that column 8 lines 14-20 in Barnett discloses determining a number of product incentive offers for which a customer's shopping habit data satisfies an incentive offer criteria, ranking a product incentive offers (sic) for which a ... and displaying, a predetermined numbers (sic) of the ranked incentive offers at the kiosk to the customer. Office action mailed July 22, 2003 page 28 lines 21-25. That assertion is incorrect. Barnett at column 8 lines 14-20 does not disclose determining a number of product incentive offers for which a customer's shopping habit data satisfies an incentive offer criteria, ranking a product incentive offers (sic) for which a ... and displaying, a predetermined numbers (sic) of the ranked incentive offers at the kiosk to the customer. Column 8 lines 14-20 in Barnett states that:

The coupon packages file 40 comprises electronic coupon data and other types of advertising materials supplied by the various coupon issuers 14 through the coupon distributor 16. Individual users' coupon data packages are drawn from this file based on demographic data and historic buying profiles stored in the

demographic data file.

The examiner also asserted that column 9 lines 7-10 in Barnett discloses determining a number of product incentive offers for which a customer's shopping habit data satisfies an incentive offer criteria, ranking a product incentive offers (sic) for which a ... and displaying, a predetermined numbers (sic) of the ranked incentive offers at the kiosk to the customer. Office action mailed July 22, 2003 page 29 lines 10-12. That assertion is incorrect. Barnett at column 9 lines 7-10 does not disclose determining a number of product incentive offers for which a customer's shopping habit data satisfies an incentive offer criteria, ranking a product incentive offers (sic) for which a ... and displaying, a predetermined numbers (sic) of the ranked incentive offers at the kiosk to the customer. Column 9 lines 7-10 in Barnett states that:

[s]orted coupon data 30c, which is selected coupon data sorted in accordance with a particular set of criteria;

The examiner also asserted that column 10 lines 3-8 in Barnett discloses determining a number of product incentive offers for which a customer's shopping habit data satisfies an incentive offer criteria, ranking a product incentive offers (sic) for which a ... and displaying, a predetermined numbers (sic) of the ranked incentive offers at the kiosk to the customer. Office action mailed July 22, 2003 page 29 lines 14-18. That assertion is incorrect. Barnett at column 10 lines 3-8 does not disclose determining a number of product incentive offers for which a customer's shopping habit data satisfies an incentive offer criteria, ranking a product incentive offers (sic) for which a ... and displaying, a predetermined numbers (sic) of the ranked incentive offers at the kiosk to the customer. Column 10 lines 3-8 in Barnett states that:

[t]he user may view the coupons selected (from the selected coupon data file 30b), and may choose any of them for printing. Further, a sortation option is provided which logically sorts, by category and subcategory, the coupons stored.

Barnett does not disclose a kiosk. Therefore, the examiner's assertion that the three cited passages in Barnett disclose or displaying the incentive offers at a kiosk is incorrect. Therefore, Barnett does not disclose or suggest determining a number of product incentive offers for which a customer's shopping habit data satisfies an incentive offer criteria, ranking a product incentive offers for which a customer's shopping habit data satisfies an incentive offer criteria, or displaying, based upon the ranking, a predetermined number of the ranked incentive offers at the

kiosk to the customer. Therefore, the inventions defined by claims 131 and 177 would not have been obvious to one of ordinary skill in the art in view of Barnett. Therefore, the rejections of claims 131 and 177 are improper and should be reversed.

r. **Rejection Under 103(a) of Claims 132-134, 178-180, 203-205, and 207-209**

(1) **The Examiner's Argument**

In support of the rejections of claims 132-134, 178-180, 203-205, and 207-209 under 35 USC 103(a) as being unpatentable over Barnett, the examiner states that:

Claim 132, 133, 134, 178-180, 203-205, 207-209: Barnett discloses the method, system according to claim 131, 177, 202, 206. Barnett further discloses storing the value of incentives and that the incentives can be sorted by a variety of categories (col 10, lines 1-16; col 11, lines 24-30). Barnett further discloses that product information can be stored on the coupon (col 11, lines 24-30), that the product information comprises whether an item is available (col 10, lines 34-37), and that all forms of information about a store can be downloaded (col 10, lines 38-46) and that information about the items selected can be downloaded (col 10, lines 27-30; col 10, lines 34-36).

Barnett does not explicitly disclose that item information includes item price information.

However, Barnett discloses displaying and organizing product and shopping list item information at the kiosk (col 10, lines 30-47) and that the items can be sorted by a variety of categories (col 10, lines 31-40), and that manufacturers are aware of the prices of their and competitor's items (col 1, lines 50-55).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that Barnett's item information can include price information. One would have been motivated to do this because price information is obvious product item information.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to that Barnett can rank the incentives by the product information contained in the shopping list. One would have been motivated to do this so that the customer can organize his coupons how he prefers. [Office action mailed July 22, 2003 page 10 line 11 to page 11 line 10.]

Column 10 lines 1-47 in Barnett states that:

The coupon file function button 56 enables the user to perform several operations on his selected coupon data file 30b. The user may view the coupons selected (from the selected coupon data file 30b), and may choose any of them for printing. Further, a sortation option is provided which logically sorts, by category and subcategory, the coupons stored. Thus, the management program

automatically places all the dairy coupons together, and may also place all the milk coupons together within the dairy category. This is carried out by the coupon sortation routine 32c, and is akin to the manual filing system used in the prior art and will aid the user in viewing his selected but unprinted coupons in an efficient manner. The sorted coupons may be loaded into the sorted coupon data file 30c for subsequent viewing and printing. The user may optionally sort the coupons manually by his own classification.

The shopping list function button 58 calls the shopping list generation routine 32g when selected by the user. This routine will allow the user to generate a list from a menu presented on the screen whichever items the user desires to purchase, and the user can store and/or print this list as desired. The items on the list are compared against coupon data stored in the coupon database 30 and the user is informed of their existence. The user may then print out those coupons along with the shopping list. Alternatively, the user may select certain coupons for printing, and the item associated therewith is automatically placed on the shopping list. Thus, in either fashion, the user's shopping list generation and coupon "clipping" tasks are conveniently merged in a timesaving manner.

The shopping list generation routine 32g may also advantageously use data stored in the store-specific data file 30e in order to prepare a shopping list tailored to an individual retail store. Thus, data regarding the layout of the store, the food items available at the store, and the like, are used by the list generation routine 32g in order to organize the purchase items accordingly. The data stored in the store-specific data file 30e may be obtained by any of several methods; by downloading from the online service provider 2, by inputting via a floppy disk memory supplied by the store, or even manually input by the user. Data for different stores can be kept in the file 30e and the user simply selects the store he intends on using at that particular time. The user may select a standard pre-programmed shopping list, his last generated shopping list, or a blank shopping list from which to commence his shopping list preparation. [Barnett at column 10 lines 1-47.]

Column 11 lines 24-30 in Barnett states that:

Referring again to FIG. 3, the data format of the variable coupon parameters are set forth and include the coupon expiration date, the redemption amount, the company and product information, the UPC code, the redemption address, and the description of the coupon offer. [Barnett at column 11 lines 24-30.]

Column 1 lines 50-55 in Barnett states that:

The notion of issuing product redemption coupons to consumers was an innovative idea to entice consumers to try new products in the hope that, after the first try of a new product at a coupon discounted price, they would become repeat customers at the regular price. Coupons are effective tools used in launching new

products. [Barnett at column 1 lines 50-55.]

In reply, the applicants respectfully submit that these rejections should be reversed because they are not supported by either substantial evidence or proper legal conclusions.

(2) Dependency on Allowable Claims

Claims 132-134 depend from independent claim 102. Claims 178-180 depend from independent claim 148. Claims 203-205 depend from independent claim 201. Claims 207-209 depend from independent claim 206. Therefore, these rejections are improper and should be reversed for at least the reasons given above for claims 102, 148, 201, and 206.

(3) Claims 132, 178, 203, and 207 - Ranking Depending Upon Value of an Incentive

The applicants respectfully submit that the rejections of claims 132, 178, 203, and 207 under 35 USC 103(a) should be reversed because they are not supported by either substantial evidence or proper legal conclusions. Claims 132, 178, 203, and 207 define ranking depending upon value of an incentive. However, the examiner did not specify which teachings of Barnett correspond to the limitations of claims 132, 178, 203, and 207. Therefore, there is no *prima facie* rejection of claims 132, 178, 203, and 207. Therefore, the rejections should be reversed.

Moreover, Barnett does not disclose or suggest ranking depending upon value of an incentive. Therefore, the inventions defined by claims 132, 178, 203, and 207 would not have been obvious to one of ordinary skill in the art in view of Barnett. Therefore, the rejections of claims 132, 178, 203, and 207 are improper and should be reversed.

(4) Claims 133, 179, 204, and 208 - Ranking Depending Upon Price of a Product

Claims 133, 179, 204, and 208 define ranking depending upon price of a product. However, the examiner did not specify which teachings of Barnett correspond to the limitations of claims 133, 179, 204, and 208. Therefore, there is no *prima facie* rejection of claims 133, 179, 204, and 208. Therefore, the rejections should be reversed.

Moreover, Barnett does not disclose or suggest ranking depending upon price of a product. Therefore, the inventions defined by claims 133, 179, 204, and 208 would not have been obvious to one of ordinary skill in the art in view of Barnett. Therefore, the rejections of claims 133, 179, 204, and 208 are improper and should be reversed.

(5) Claims 134, 180, 205, and 209 - Ranking Depending Upon a Stock Condition

Claims 134, 180, 205, and 209 define ranking depending upon a stock condition. However, the examiner did not specify which teachings of Barnett correspond to the limitations of claims 134, 180, 205, and 209. Therefore, there is no *prima facie* rejection of claims 134, 180, 205, and 209. Therefore, the rejections should be reversed.

Barnett does not disclose or suggest ranking depending upon a stock condition. Therefore, the inventions defined by claims 134, 180, 205, and 209 would not have been obvious to one of ordinary skill in the art in view of Barnett. Therefore, the rejections of claims 134, 180, 205, and 209 are improper and should be reversed.

s. Rejection Under 103(a) of Claims 135 and 181

(1) The Examiner's Argument

In support of the rejections of claims 135 and 181 under 35 USC 103(a) as being unpatentable over Barnett, the examiner states that:

Claim 135, 181: Barnett discloses the method, system according to claim 102, 148 and further discloses the steps of determining a number of product incentive offers for which said customer's shopping habit data satisfies said incentive offer criteria; providing at said kiosk a first predetermined number of said incentive offers to said customer; and providing at said kiosk a second predetermined number of broadcast incentive offers to said customer (col 9, lines 15-22; col 10, lines 1-30; col 12, lines 37-62; col 10, lines 1-16). [Office action mailed July 22, 2003 page 11 lines 11-17.]

Column 9 lines 15-22 in Barnett states that:

The offline coupon data management routines 32 are executed by the processor 26 in conjunction with the coupon database 30 in order to request, obtain, store, select, sort, and print coupons as desired. The offline coupon data management routines 32 are executed by selecting a desired function button 52, 54, 56, or 58 as shown in the offline display screen 50 in FIG. 4b. [Barnett at column 9 lines 15-22.]

Column 10 lines 1-30 in Barnett states that:

The coupon file function button 56 enables the user to perform several operations on his selected coupon data file 30b. The user may view the coupons selected (from the selected coupon data file 30b), and may choose any of them for printing. Further, a sortation option is provided which logically sorts, by category and subcategory, the coupons stored. Thus, the management program

automatically places all the dairy coupons together, and may also place all the milk coupons together within the dairy category. This is carried out by the coupon sortation routine 32c, and is akin to the manual filing system used in the prior art and will aid the user in viewing his selected but unprinted coupons in an efficient manner. The sorted coupons may be loaded into the sorted coupon data file 30c for subsequent viewing and printing. The user may optionally sort the coupons manually by his own classification.

The shopping list function button 58 calls the shopping list generation routine 32g when selected by the user. This routine will allow the user to generate a list from a menu presented on the screen whichever items the user desires to purchase, and the user can store and/or print this list as desired. The items on the list are compared against coupon data stored in the coupon database 30 and the user is informed of their existence. The user may then print out those coupons along with the shopping list. Alternatively, the user may select certain coupons for printing, and the item associated therewith is automatically placed on the shopping list. Thus, in either fashion, the user's shopping list generation and coupon "clipping" tasks are conveniently merged in a timesaving manner. [Barnett at column 10 lines 1-30.]

Column 12 lines 37-62 in Barnett states that:

The information stored in the database 11 is input to the marketing and targeting analysis means 17, which carries out the function of analyzing the aforementioned information in a manner known in the art to arrive at different coupon packages. That is, it may be determined by the analysis means 17 that users with dogs in their household (which is known by the demographic responses) will get a certain package comprising dog food coupons. It may be further determined that users who select, print and redeem dog food coupons of Brand X will get coupons issued by Brand Y, or will get only low value coupons since they are already dog food coupon users, etc. That is, depending on the marketing and targeting criteria and objectives, the analysis means will generate coupon packages as desired.

Thus, the analysis means generates a number of differing coupon data packages for transmittal to the online service provider 2. The analysis means also provides specific mapping information which will instruct the online service provider as to which user should be provided with which package(s). For example, user 1 may be mapped to coupon data packages 2 and 3; user no. 2 to packages 3 and 6, etc. This mapping function may be carried out by the coupon distributor and provided to the online service provider at regular intervals, e.g. once per week. Thus, the coupon selection, printing and redemption habits may be analyzed over a time period and used to determine the subsequent targeted packages. [Barnett at column 12 lines 37-62.]

In reply, the applicants respectfully submit that these rejections should be reversed

because they are not supported by either substantial evidence or proper legal conclusions.

(2) Dependency on Allowable Claims

Claim 135 depends from independent claim 102. Claim 181 depends from independent claim 148. Therefore, these rejections are improper and should be reversed for at least the reasons given above for claims 102 and 148.

(3) Claims 135 and 181 - Further Definition Over Barnett

The applicants respectfully submit that the rejections of claims 135 and 181 under 35 USC 103(a) should be reversed because they are not supported by either substantial evidence or proper legal conclusions. Claims 135 and 181 define determining a number of product incentive offers for which a customer's shopping habit data satisfies a incentive offer criteria, providing at a kiosk a first predetermined number of incentive offers to the customer, and providing at the kiosk a second predetermined number of broadcast incentive offers to the customer. However, the examiner did not specify which teachings of Barnett correspond to the limitations of claims 135 and 181. Therefore, there is no *prima facie* rejection of claims 135 and 181. Therefore, the rejections should be reversed.

Moreover, Barnett does not disclose or suggest determining a number of product incentive offers for which a customer's shopping habit data satisfies a incentive offer criteria, providing at a kiosk a first predetermined number of incentive offers to the customer, and providing at the kiosk a second predetermined number of broadcast incentive offers to the customer. Therefore, the inventions defined by claims 135 and 181 would not have been obvious to one of ordinary skill in the art in view of Barnett. Therefore, the rejections of claims 135 and 181 are improper and should be reversed.

t. Rejection Under 103(a) of Claims 136, 137, 182, and 183

(1) The Examiner's Argument

In support of the rejections of claims 136, 137, 182, and 183 under 35 USC 103(a) as being unpatentable over Barnett, the examiner states that:

Claim 136, 137, 182, 183: Barnett discloses the method, system according to claim 102, 148 and further discloses the step of downloading to said POS terminal a list containing identifications of all products for which incentive offer criteria associated with an identification of a product are stored in said database

(col 9, lines 15-22; col 10, lines 1-30; col 12, lines 37-62; col 10, lines 1-16), further comprising the step of downloading to said POS terminal a list containing identifications of all products for which incentive offers are available to said customer (col 9, lines 15-22; col 10, lines 1-30; col 12, lines 37-62; col 10, lines 1-16). [Office action mailed July 22, 2003 page 11 lines 18-24.]

Column 9 lines 15-22 in Barnett states that:

The offline coupon data management routines 32 are executed by the processor 26 in conjunction with the coupon database 30 in order to request, obtain, store, select, sort, and print coupons as desired. The offline coupon data management routines 32 are executed by selecting a desired function button 52, 54, 56, or 58 as shown in the offline display screen 50 in FIG. 4b. [Barnett at column 9 lines 15-22.]

In reply, the applicants respectfully submit that these rejections should be reversed because they are not supported by either substantial evidence or proper legal conclusions.

(2) Dependency on Allowable Claims

Claims 136 and 137 depend from independent claim 102. Claims 182 and 183 depend from independent claim 148. Therefore, these rejections are improper and should be reversed for at least the reasons given above for claims 102 and 148.

(3) Claims 136 and 182 - Downloading to a POS Terminal a List Containing Identifications of All Products for which Incentive Offer Criteria Associated with an Identification of a Product are Stored in a Database

The applicants respectfully submit that the rejections of claims 136 and 182 under 35 USC 103(a) should be reversed because they are not supported by either substantial evidence or proper legal conclusions. Claims 136 and 182 define downloading to a POS terminal a list containing identifications of all products for which incentive offer criteria associated with an identification of a product are stored in a database.

The examiner asserted that column 10 lines 19-30 in Barnett discloses downloading to a POS terminal a list containing identifications of all products for which incentive offer criteria associated with an identification of a product are stored in a database. Office action mailed July 22, 2003 page 29 lines 22-27. That assertion is incorrect. Barnett at column 10 lines 19-30 does not disclose downloading to a POS terminal a list containing identifications of all products for which incentive offer criteria associated with an identification of a product are stored in a

database. Column 10 lines 19-30 in Barnett states that:

This routine will allow the user to generate a list from a menu presented on the screen whichever items the user desires to purchase, and the user can store and/or print this list as desired. The items on the list are compared against coupon data stored in the coupon database 30 and the user is informed of their existence. The user may then print out those coupons along with the shopping list. Alternatively, the user may select certain coupons for printing, and the item associated therewith is automatically placed on the shopping list. Thus, in either fashion, the user's shopping list generation and coupon "clipping" tasks are conveniently merged in a timesaving manner.

This disclosure describes actions taken at the consumer's personal computer, not at the point of sale or at checkout. Therefore, the examiner's assertion that this passage discloses downloading to a POS terminal a list containing identifications of all products for which incentive offer criteria associated with an identification of a product are stored in a database is incorrect. Therefore, the inventions defined by claims 136 and 182 would not have been obvious to one of ordinary skill in the art in view of Barnett. Therefore, the rejections of claims 136 and 182 are improper and should be reversed.

(4) Claims 137 and 183 - Downloading to a POS Terminal a List Containing Identifications of All Products for which Incentive Offer are Available to a Customer

Claims 137 and 183 define downloading to a POS terminal a list containing identifications of all products for which incentive offers are available to a customer.

The examiner asserted that column 10 lines 19-30 in Barnett discloses downloading to a POS terminal a list containing identifications of all products for which incentive offers are available to a customer. Office action mailed July 22, 2003 page 29 lines 22-27. That assertion is incorrect. Barnett at column 10 lines 19-30 does not disclose downloading to a POS terminal a list containing identifications of all products for which incentive offers are available to a customer. Column 10 lines 19-30 in Barnett states that:

This routine will allow the user to generate a list from a menu presented on the screen whichever items the user desires to purchase, and the user can store and/or print this list as desired. The items on the list are compared against coupon data stored in the coupon database 30 and the user is informed of their existence. The user may then print out those coupons along with the shopping list. Alternatively, the user may select certain coupons for printing, and the item

associated therewith is automatically placed on the shopping list. Thus, in either fashion, the user's shopping list generation and coupon "clipping" tasks are conveniently merged in a timesaving manner.

This disclosure describes actions taken at the consumer's personal computer, not at the point of sale or at checkout. Therefore, the examiner's assertion that the cited passage discloses or suggests downloading to a POS terminal a list containing identifications of all products for which incentive offers are available to a customer is incorrect. Therefore, the inventions defined by claims 137 and 183 would not have been obvious to one of ordinary skill in the art in view of Barnett. Therefore, the rejections of claims 137 and 182 are improper and should be reversed.

u. Rejection Under 103(a) of Claims 138-140 and 184-186

(1) The Examiner's Argument

In support of the rejections of claims 138-140 and 184-186 under 35 USC 103(a) as being unpatentable over Barnett, the examiner states that:

Claim 138, 139, 140, 184-186: Barnett discloses the method, system according to claim 102, 148 and further discloses that customer shopping habit data comprises incentive receipt data for said customer's receipt of incentives, wherein said customer shopping habit data comprises a quantity of incentive offers for a product provided to said customer (col 11, lines 17-30; col 12 lines 37-62), wherein said customer shopping habit data is associated with an indication of a household associated with said customer (col 6, lines 49-51; col 12, lines 40-45). [Office action mailed July 22, 2003 page 12 lines 3-8.]

Column 11 lines 17-30 in Barnett states that:

...However, in accordance with the present invention, each coupon printed by a user is unique, and the scanning of a coupon presented for redemption will be stored at the coupon redemption center. Thus, the coupon issuer will know if a particular user has redeemed a particular coupon and thus disallow further redemption of a photocopied coupon bearing the same indicia.

Referring again to FIG. 3, the data format of the variable coupon parameters are set forth and include the coupon expiration date, the redemption amount, the company and product information, the UPC code, the redemption address, and the description of the coupon offer. [Barnett at column 11 lines 17-30.]

Column 12 lines 37-62 in Barnett states that:

The information stored in the database 11 is input to the marketing and targeting analysis means 17, which carries out the function of analyzing the aforementioned information in a manner known in the art to arrive at different

coupon packages. That is, it may be determined by the analysis means 17 that users with dogs in their household (which is known by the demographic responses) will get a certain package comprising dog food coupons. It may be further determined that users who select, print and redeem dog food coupons of Brand X will get coupons issued by Brand Y, or will get only low value coupons since they are already dog food coupon users, etc. That is, depending on the marketing and targeting criteria and objectives, the analysis means will generate coupon packages as desired.

Thus, the analysis means generates a number of differing coupon data packages for transmittal to the online service provider 2. The analysis means also provides specific mapping information which will instruct the online service provider as to which user should be provided with which package(s). For example, user 1 may be mapped to coupon data packages 2 and 3; user no. 2 to packages 3 and 6, etc. This mapping function may be carried out by the coupon distributor and provided to the online service provider at regular intervals, e.g. once per week. Thus, the coupon selection, printing and redemption habits may be analyzed over a time period and used to determine the subsequent targeted packages. [Barnett at column 12 lines 37-62.]

Column 6 lines 49-61 in Barnett states that:

...Thus, any centrally located computer system which is accessible to the public by any transmission means is contemplated as being within the scope of this invention. As used herein, the term "user" denotes an individual user or a household of users linked through one account.

The online service provider has stored in its database 40 (see FIGS. 6 and 10) various packages of electronic coupon data, the content of which will be further described below. The electronic coupon data is provided, by a coupon distributor 16 or coupon issuer 14, by any of various means such as electronic transmission via the PSTN or satellite data exchange. The online service provider also stores in a demographic data file 42 user-specific data, including coupons selected data, coupons deleted data, coupons printed data and user demographics, as will be described below, for subsequent transmission to a coupon distributor 16. [Barnett at column 6 lines 49-61.]

Column 12 lines 40-45 in Barnett states that:

The information stored in the database 11 is input to the marketing and targeting analysis means 17, which carries out the function of analyzing the aforementioned information in a manner known in the art to arrive at different coupon packages. That is, it may be determined by the analysis means 17 that users with dogs in their household (which is known by the demographic responses) will get a certain package comprising dog food coupons. It may be further determined that users who select, print and redeem dog food coupons of Brand X will get coupons issued by Brand Y, or will get only low value coupons

since they are already dog food coupon users, etc. [Barnett at column 12 lines 40-45.]

In reply, the applicants respectfully submit that these rejections should be reversed because they are not supported by either substantial evidence or proper legal conclusions.

(2) Dependency on Allowable Claims

Claims 138-140 depend from independent claim 102. Claims 184-186 depend from independent claim 148. Therefore, these rejections are improper and should be reversed for at least the reasons given above for claims 102 and 148.

(3) Claims 138 and 184 - Customer Shopping Habit Data Comprising Incentive Receipt Data for a Customer's Receipt of Incentives

The applicants respectfully submit that the rejections of claims 138 and 184 under 35 USC 103(a) should be reversed because they are not supported by either substantial evidence or proper legal conclusions. The subject matter of claims 138-140 and 184-186 finds support in the specification, for example, at page 14 line 13 to page 15 line 10, which states that:

...If or when the customer card 22 is finally scanned at the check-out register 34 as part of the shopping trip, the check-out 34 communicates the card number of the customer card 22 to the store level computer 12. The store level computer 12 then communicates to the check-out register 34 each discount that the consumer qualified for because of the product purchases made in this shopping trip prior to the scan of the customer card 22. Subsequent discounts are then received by the check-out 34 immediately following the scan of a qualifying product, as previously presented.

Special offers that were accepted by the customer, and that are restricted to a certain quantity of product, will not be available to the customer the next time the customer accesses the kiosk 26 if the quantity limit has been reached. Thus, double couponing (where a customer uses the same coupon in different stores to avoid quantity limits) is avoided. The check-out sends to the computer 12 information regarding all purchases made by the customer.

Optionally, members of a household could be treated a single customer, so that they can take advantage of combined purchasing power. The members of the household would then have cards associating them with the same customer account in the computer 12. The computer 12 identifies which customers should be treated as a household, such as if two customers have the same address.

[Specification at page 14 line 13 to page 15 line 10.]

Claims 138 and 184 define customer shopping habit data comprising incentive receipt

data for a customer's receipt of incentives.

The examiner asserted that column 12 lines 44-50 in Barnett discloses customer shopping habit data comprising a quantity of incentive offers for a product provided to a customer. Office action mailed July 22, 2003 page 30 lines 15-19. That assertion is incorrect. Barnett at column 12 lines 44-50 does not disclose customer shopping habit data comprising a quantity of incentive offers for a product provided to a customer. Column 12 lines 44-50 in Barnett states that:

It may be further determined that users who select, print and redeem dog food coupons of Brand X will get coupons issued by Brand Y, or will get only low value coupons since they are already dog food coupon users, etc. That is, depending on the marketing and targeting criteria and objectives, the analysis means will generate coupon packages as desired.

The functionality described in this disclosure can be performed without analysis of a customer shopping habit database and does not disclose customer shopping habit data comprising a quantity of incentive offers for a product provided to a customer. Therefore, the inventions defined by claims 138 and 184 would not have been obvious to one of ordinary skill in the art in view of Barnett. Therefore, the rejections of claims 138 and 184 are improper and should be reversed.

The examiner also asserted that column 12 lines 31-34 in Barnett discloses customer shopping habit data comprising a quantity of incentive offers for a product provided to a customer. Office action mailed July 22, 2003 page 30 lines 27-30. That assertion is incorrect. Barnett at column 12 lines 31-34 does not disclose customer shopping habit data comprising a quantity of incentive offers for a product provided to a customer. Column 12 lines 31-34 in Barnett states that:

The database 11 also stores information from the coupon redemption center 13 regarding the coupons actually redeemed by the user.

The cited passage in Barnett makes no mention of storing specific information in a database, except for demographic information. Therefore, the cited passage does not disclose customer shopping habit data comprising a quantity of incentive offers for a product provided to a customer. Therefore, the inventions defined by claims 138 and 184 would not have been obvious to one of ordinary skill in the art in view of Barnett. Therefore, the rejections of claims 138 and 184 are improper and should be reversed.

The examiner also asserted that column 12 lines 41-45 in Barnett discloses customer shopping habit data comprising a quantity of incentive offers for a product provided to a customer. Office action mailed July 22, 2003 page 30 lines 31-35. That assertion is incorrect. Barnett at column 12 lines 41-45 does not disclose customer shopping habit data comprising a quantity of incentive offers for a product provided to a customer. Column 12 lines 41-45 in Barnett states that:

That is, it may be determined by the analysis means 17 that users with dogs in their household (which is known by the demographic responses) will get a certain package comprising dog food coupons.

Demographic information is not indicative of shopping habit data. Therefore, the cited passages do not disclose customer shopping habit data comprising a quantity of incentive offers for a product provided to a customer.

Moreover, Barnett does not disclose or suggest customer shopping habit data comprising incentive receipt data for a customer's receipt of incentives. There is no teaching or suggestion in the cited disclosure of Barnett that enables the claimed customer shopping habit data comprising incentive receipt data for a customer's receipt of incentives. Therefore, the inventions defined by claims 138 and 184 would not have been obvious to one of ordinary skill in the art in view of Barnett. Therefore, the rejections of claims 138 and 184 are improper and should be reversed.

**(4) Claims 139 and 185 - Customer Shopping Habit Data
Comprising a Quantity of Incentive Offers for a
Product Provided to a Customer**

Claims 139 and 185 define customer shopping habit data comprising a quantity of incentive offers for a product provided to a customer. However, the examiner did not specify which teachings of Barnett correspond to the limitations of claims 139 and 185. Therefore, there is no *prima facie* rejection of claims 139 and 185. Therefore, the rejections should be reversed.

Moreover, Barnett does not disclose or suggest customer shopping habit data comprising a quantity of incentive offers for a product provided to a customer. Therefore, the inventions defined by claims 139 and 185 would not have been obvious to one of ordinary skill in the art in view of Barnett. Therefore, the rejections of claims 139 and 185 are improper and should be

reversed.

**(5) Claims 140 and 186 - Customer Shopping Habit Data
Associated With an Indication of a Household
Associated With a Customer**

Claims 140 and 186 define customer shopping habit data associated with an indication of a household associated with a customer.

The examiner asserted that column 12 lines 44-50 in Barnett discloses customer shopping habit data associated with an indication of a household associated with a customer. Office action mailed July 22, 2003 page 30 lines 15-19. That assertion is incorrect. Barnett at column 12 lines 44-50 does not disclose customer shopping habit data associated with an indication of a household associated with a customer. Column 12 lines 44-50 in Barnett states that:

It may be further determined that users who select, print and redeem dog food coupons of Brand X will get coupons issued by Brand Y, or will get only low value coupons since they are already dog food coupon users, etc. That is, depending on the marketing and targeting criteria and objectives, the analysis means will generate coupon packages as desired.

The functionality described in this disclosure can be performed without analysis of a customer shopping habit database and does not disclose customer shopping habit data associated with an indication of a household associated with a customer. Therefore, the inventions defined by claims 140 and 186 would not have been obvious to one of ordinary skill in the art in view of Barnett. Therefore, the rejections of claims 140 and 186 are improper and should be reversed.

The examiner also asserted that column 12 lines 31-34 in Barnett discloses customer shopping habit data associated with an indication of a household associated with a customer. Office action mailed July 22, 2003 page 30 lines 27-30. That assertion is incorrect. Barnett at column 12 lines 31-34 does not disclose customer shopping habit data associated with an indication of a household associated with a customer. Column 12 lines 31-34 in Barnett states that:

The database 11 also stores information from the coupon redemption center 13 regarding the coupons actually redeemed by the user.

The cited passage in Barnett makes no mention of storing specific information in a database, except for demographic information. Therefore, it does not disclose customer shopping

habit data associated with an indication of a household associated with a customer. Therefore, the inventions defined by claims 140 and 186 would not have been obvious to one of ordinary skill in the art in view of Barnett. Therefore, the rejections of claims 140 and 186 are improper and should be reversed.

The examiner also asserted that column 12 lines 41-45 in Barnett discloses customer shopping habit data associated with an indication of a household associated with a customer. Office action mailed July 22, 2003 page 30 lines 31-35. That assertion is incorrect. Barnett at column 12 lines 41-45 does not disclose customer shopping habit data associated with an indication of a household associated with a customer. Column 12 lines 41-45 in Barnett states that:

That is, it may be determined by the analysis means 17 that users with dogs in their household (which is known by the demographic responses) will get a certain package comprising dog food coupons.

Demographic information is not indicative of shopping habit data. Therefore, the cited passages do not disclose customer shopping habit data associated with an indication of a household associated with a customer.

Moreover, Barnett does not disclose or suggest customer shopping habit data associated with an indication of a household associated with a customer. There is no teaching or suggestion in the cited disclosure of Barnett that enables the claimed customer shopping habit data associated with an indication of a household associated with a customer. Therefore, the inventions defined by claims 140 and 186 would not have been obvious to one of ordinary skill in the art in view of Barnett. Therefore, the rejections of claims 140 and 186 are improper and should be reversed.

v. Rejection Under 103(a) of Claims 141 and 187

(1) The Examiner's Argument

In support of the rejections of claims 141 and 187 under 35 USC 103(a) as being unpatentable over Barnett, the examiner states that:

Claim 141, 187: Barnett discloses the method, system according to claim 140, 186 and further discloses the step of providing the customer means to opt out of having incentive offer criteria being based upon household identification (col 6, lines 49-51). Barnett discloses that the incentives can be targeted to an individual

user, therefore, it is inherent that the user can select whether to offer only an individual user information or household information. [Office action mailed July 22, 2003 page 12 lines 9-13.]

Column 6 lines 49-51 in Barnett states that:

...As used herein, the term "user" denotes an individual user or a household of users linked through one account. [Barnett at column 6 lines 49-51.]

In reply, the applicants respectfully submit that these rejections should be reversed because they are not supported by either substantial evidence or proper legal conclusions.

(2) Dependency on Allowable Claims

Claim 141 depends from independent claim 102. Claim 187 depends from independent claim 148. Therefore, these rejections are improper and should be reversed for at least the reasons given above for claims 102 and 148.

(3) Claims 141 and 187 - Further Definition Over Barnett

The applicants respectfully submit that the rejections of claims 141 and 187 under 35 USC 103(a) should be reversed because they are not supported by either substantial evidence or proper legal conclusions. Claims 141 and 187 define providing the customer means to opt out of having incentive offer criteria being based upon household identification. However, the examiner did not specify which teachings of Barnett correspond to the limitations of claims 141 and 187. Therefore, there is no *prima facie* rejection of claims 141 and 187. Therefore, the rejections should be reversed.

Moreover, there is no teaching or suggestion in the cited disclosure of Barnett that enables the claimed providing the customer means to opt out of having incentive offer criteria being based upon household identification. Therefore, the inventions defined by claims 141 and 187 would not have been obvious to one of ordinary skill in the art in view of Barnett. Therefore, the rejections of claims 141 and 187 are improper and should be reversed.

w. Rejection Under 103(a) of Claims 142 and 188

(1) The Examiner's Argument

In support of the rejections of claims 142 and 188 under 35 USC 103(a) as being unpatentable over Barnett, the examiner states that:

Claim 142, 188: Barnett discloses the method, system according to claim

102, 148 and further discloses that said incentive offer criteria associated with an identification of a product comprises a time after which said incentive offer is no longer available (col 13, lines 17-21). [Office action mailed July 22, 2003 page 12 lines 14-16.]

Column 3 lines 17-21 in Barnett states that:

U.S. Pat. Nos. 5,285,278 and 5,287,181 to Holman also teach a television-based coupon reception system. Coupon information is encoded into a television broadcast signal and decoded at the consumer's television by circuitry similar to that used for closed-caption broadcast decoding. [Barnett at column 3 lines 17-21.]

In reply, the applicants respectfully submit that these rejections should be reversed because they are not supported by either substantial evidence or proper legal conclusions.

(2) Dependency on Allowable Claims

Claim 142 depends from independent claim 102. Claim 188 depends from independent claim 148. Therefore, these rejections are improper and should be reversed for at least the reasons given above for claims 102 and 148.

(3) Claims 142 and 188 - Further Definition Over Barnett

The applicants respectfully submit that the rejections of claims 142 and 188 under 35 USC 103(a) should be reversed because they are not supported by either substantial evidence or proper legal conclusions. Claims 142 and 188 define incentive offer criteria associated with an identification of a product comprising a time after which said incentive offer is no longer available.

The examiner asserted that column 11 lines 50-53 in Barnett discloses the claimed incentive offer criteria associated with an identification of a product comprising a time after which said incentive offer is no longer available. Office action mailed July 22, 2003 page 31 lines 6-9. That assertion is incorrect. Barnett at column 11 lines 50-53 does not disclose the claimed incentive offer criteria associated with an identification of a product comprising a time after which said incentive offer is no longer available. Column 11 lines 50-53 in Barnett states that:

In addition, the coupon deletion routine 32e allows for automatic deletion of expired coupons by periodically checking the expiration date field of each coupon against a real-time clock found in the computer 6.

The coupon deletion routine 32e refers to the termination of the offer – for example, the deletion of an expired coupon from the system, which amounts to routine maintenance – not to the timing of an offer. Therefore, the cited passage in Barnett does not disclose the claimed incentive offer criteria associated with an identification of a product comprising a time after which said incentive offer is no longer available. Therefore, the inventions defined by claims 142 and 188 would not have been obvious to one of ordinary skill in the art in view of Barnett. Therefore, the rejections of claims 142 and 188 are improper and should be reversed.

The examiner also asserted that column 13 lines 17-20 in Barnett discloses the claimed incentive offer criteria associated with an identification of a product comprising a time after which said incentive offer is no longer available. Office action mailed July 22, 2003 page 31 lines 15-18. That assertion is incorrect. Barnett at column 13 lines 17-20 does not disclose the claimed incentive offer criteria associated with an identification of a product comprising a time after which said incentive offer is no longer available. Column 13 lines 17-20 in Barnett states that:

The availability of the coupon could be time-sensitive, which would provide further incentive to the user to use the system in a prompt and efficient manner.

The expiration of the coupon in the cited passage of Barnett is not associated with an identification of a product. Therefore, the examiner's assertion that this passage discloses incentive offer criteria associated with an identification of a product comprising a time after which said incentive offer is no longer available, is incorrect. Therefore, the inventions defined by claims 142 and 188 would not have been obvious to one of ordinary skill in the art in view of Barnett. Therefore, the rejections of claims 142 and 188 are improper and should be reversed.

x. Rejection Under 103(a) of Claims 143 and 189

(1) The Examiner's Argument

In support of the rejections of claims 143 and 189 under 35 USC 103(a) as being unpatentable over Barnett, the examiner states that:

Claim 143, 189: Barnett discloses the method, system according to claim 102, 148 and further discloses the steps of classifying products by category (col 10, lines 17-46) and that item and manufacturer information can be tracked (col

10, lines 34-46; col 11, lines 26-30). Barnett further discloses that coupon packages can be assembled and varied based on a wide variety of criteria limiting incentive offers for products in a category to one manufacturer (col 12, lines 37-62).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that Barnett's category information can include manufacturer as a category. One would have been motivated to do this because manufacturer is an obvious piece of item information.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that Barnett's wide variety of coupon packages can include from just one manufacturer in one category. One would have been motivated to do this to encourage the user to try a new or different brand (col 1, lines 50-55). [Office action mailed July 22, 2003 page 12 line 17 to page 13 line 8.]

Column 10 lines 17-46 in Barnett states that:

The shopping list function button 58 calls the shopping list generation routine 32g when selected by the user. This routine will allow the user to generate a list from a menu presented on the screen whichever items the user desires to purchase, and the user can store and/or print this list as desired. The items on the list are compared against coupon data stored in the coupon database 30 and the user is informed of their existence. The user may then print out those coupons along with the shopping list. Alternatively, the user may select certain coupons for printing, and the item associated therewith is automatically placed on the shopping list. Thus, in either fashion, the user's shopping list generation and coupon "clipping" tasks are conveniently merged in a timesaving manner.

The shopping list generation routine 32g may also advantageously use data stored in the store-specific data file 30e in order to prepare a shopping list tailored to an individual retail store. Thus, data regarding the layout of the store, the food items available at the store, and the like, are used by the list generation routine 32g in order to organize the purchase items accordingly. The data stored in the store-specific data file 30e may be obtained by any of several methods; by downloading from the online service provider 2, by inputting via a floppy disk memory supplied by the store, or even manually input by the user. Data for different stores can be kept in the file 30e and the user simply selects the store he intends on using at that particular time. The user may select a standard pre-programmed shopping list, his last generated shopping list, or a blank shopping list from which to commence his shopping list preparation. [Barnett at column 10 lines 17-46.]

Column 11 lines 26-30 in Barnett states that:

Referring again to FIG. 3, the data format of the variable coupon parameters are set forth and include the coupon expiration date, the redemption

amount, the company and product information, the UPC code, the redemption address, and the description of the coupon offer. [Barnett at column 11 lines 26-30.]

Column 12 lines 37-42 in Barnett states that:

The information stored in the database 11 is input to the marketing and targeting analysis means 17, which carries out the function of analyzing the aforementioned information in a manner known in the art to arrive at different coupon packages. That is, it may be determined by the analysis means 17 that users with dogs in their household (which is known by the demographic responses) will get a certain package comprising dog food coupons. [Barnett at column 12 lines 37-42.]

Column 1 lines 50-55 in Barnett states that:

The notion of issuing product redemption coupons to consumers was an innovative idea to entice consumers to try new products in the hope that, after the first try of a new product at a coupon discounted price, they would become repeat customers at the regular price. Coupons are effective tools used in launching new products. [Barnett at column 1 lines 50-55.]

In reply, the applicants respectfully submit that these rejections should be reversed because they are not supported by either substantial evidence or proper legal conclusions.

(2) Dependency on Allowable Claims

Claim 143 depends from independent claim 102. Claim 189 depends from independent claim 148. Therefore, these rejections are improper and should be reversed for at least the reasons given above for claims 102 and 148.

(3) Claims 143 and 189 - Further Definition Over Barnett

The applicants respectfully submit that the rejections of claims 143 and 189 under 35 USC 103(a) should be reversed because they are not supported by either substantial evidence or proper legal conclusions. Claims 143 and 189 define classifying products by category and manufacturer, and limiting incentive offers for products in a category to one manufacturer. However, the examiner did not specify which teachings of Barnett correspond to the limitations of claims 143 and 189. Therefore, there is no *prima facie* rejection of claims 143 and 189. Therefore, the rejections should be reversed.

Moreover, there is no teaching or suggestion in the cited disclosure of Barnett that enables the claimed classifying products by category and manufacturer, and limiting incentive

offers for products in a category to one manufacturer. Therefore, the inventions defined by claims 143 and 189 would not have been obvious to one of ordinary skill in the art in view of Barnett. Therefore, the rejections of claims 143 and 189 are improper and should be reversed.

y. **Rejection Under 103(a) of Claims 144 and 190**

(1) **The Examiner's Argument**

In support of the rejections of claims 144 and 190 under 35 USC 103(a) as being unpatentable over Barnett, the examiner states that:

Claim 144, 190: Barnett discloses the method, system according to claim 102, 148. Barnett further discloses that user shopping habits at a store can be tracked and recorded (col 10, lines 35-47), that the location of processes and computers can be flexibly placed (col 13, lines 110; Fig. 1), that consumer demographics, habits, and history can be tracked and analyzed (col 12, lines 37-63), that the customer selects a specific store when he creates a shopping list (col 10, lines 42-45).

Barnett does not explicitly disclose that the shopping list information is transmitted from the kiosk to the computer.

However, Barnett discloses transmitting the selected coupon information to the computer directly (col 4, lines 64-67). Barnett further discloses that the shopping list and coupon selection lists can be merged (col 10, lines 28-30).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that Barnett's can transmit his item selection information to the computer from the kiosk when he transmits his coupon selection information. One would have been motivated to do this so that the shopping list information can be readily available at the store where the consumer is going to shop in the same way that Barnett discloses that the coupons can be readily available (via electronic transmission) at the store where the consumer is going to shop. [Office action mailed July 22, 2003 page 13 line 9 to page 14 line 4.]

Column 10 lines 28-47 in Barnett states that:

...Thus, in either fashion, the user's shopping list generation and coupon "clipping" tasks are conveniently merged in a timesaving manner.

The shopping list generation routine 32g may also advantageously use data stored in the store-specific data file 30e in order to prepare a shopping list tailored to an individual retail store. Thus, data regarding the layout of the store, the food items available at the store, and the like, are used by the list generation routine 32g in order to organize the purchase items accordingly. The data stored in the store-specific data file 30e may be obtained by any of several methods; by downloading from the online service provider 2, by inputting via a floppy disk memory supplied by the store, or even manually input by the user. Data for

different stores can be kept in the file 30e and the user simply selects the store he intends on using at that particular time. The user may select a standard pre-programmed shopping list, his last generated shopping list, or a blank shopping list from which to commence his shopping list preparation. [Barnett at column 10 lines 28-47.]

Column 13 lines 1-10 in Barnett states that:

In accordance with the present invention, the marketing analysis, coupon packaging, and coupon package distribution functions carried out by the coupon distributor 16 may be carried out at the central data repository, i.e. Internet web site. Further, the coupon redemption and user redemption information processing functions individually carried out by the coupon redemption center 13 and the individual retail stores 10 may be combined into a single redemption center, as shown by the dotted line in FIG. 1. The physical layout of the functions within the system of the present invention is a matter of practicality and choice of the systems designer and does not impact the utility of the present invention. [Barnett at column 13 lines 1-10.]

Column 12 lines 37-63 in Barnett states that:

The information stored in the database 11 is input to the marketing and targeting analysis means 17, which carries out the function of analyzing the aforementioned information in a manner known in the art to arrive at different coupon packages. That is, it may be determined by the analysis means 17 that users with dogs in their household (which is known by the demographic responses) will get a certain package comprising dog food coupons. It may be further determined that users who select, print and redeem dog food coupons of Brand X will get coupons issued by Brand Y, or will get only low value coupons since they are already dog food coupon users, etc. That is, depending on the marketing and targeting criteria and objectives, the analysis means will generate coupon packages as desired.

Thus, the analysis means generates a number of differing coupon data packages for transmittal to the online service provider 2. The analysis means also provides specific mapping information which will instruct the online service provider as to which user should be provided with which package(s). For example, user 1 may be mapped to coupon data packages 2 and 3; user no. 2 to packages 3 and 6, etc. This mapping function may be carried out by the coupon distributor and provided to the online service provider at regular intervals, e.g. once per week. Thus, the coupon selection, printing and redemption habits may be analyzed over a time period and used to determine the subsequent targeted packages. [Barnett at column 12 lines 37-63.]

Column 4 lines 64-67 in Barnett states that:

...Alternatively, the system may enable the user to transmit electronically

the printable coupon data from the coupon output buffer to the centrally located repository or directly to the retailer for electronic coupon redemption. [Barnett at column 4 lines 64-67.]

In reply, the applicants respectfully submit that these rejections should be reversed because they are not supported by either substantial evidence or proper legal conclusions.

(2) Dependency on Allowable Claims

Claim 144 depends from independent claim 102. Claim 190 depends from independent claim 148. Therefore, these rejections are improper and should be reversed for at least the reasons given above for claims 102 and 148.

(3) Claims 144 and 190 - Further Definition Over Barnett

The applicants respectfully submit that the rejections of claims 144 and 190 under 35 USC 103(a) should be reversed because they are not supported by either substantial evidence or proper legal conclusions. Claims 144 and 190 define transmitting a customer's store identification from a kiosk to a computer, wherein a computer is a first store computer, determining that a store identification identifies a second store; and querying a second store level computer for a second store for customer shopping habit data associated with the customer identification. However, the examiner did not specify which teachings of Barnett correspond to the limitations of claims 144 and 190. Therefore, there is no *prima facie* rejection of claims 144 and 190. Therefore, the rejections should be reversed.

Moreover, there is no teaching or suggestion in the cited disclosure of Barnett that enables the claimed transmitting a customer's store identification from a kiosk to a computer, wherein a computer is a first store computer, determining that a store identification identifies a second store; and querying a second store level computer for a second store for customer shopping habit data associated with the customer identification. Therefore, the inventions defined by claims 144 and 190 would not have been obvious to one of ordinary skill in the art in view of Barnett. Therefore, the rejections of claims 144 and 190 are improper and should be reversed.

z. Rejection Under 103(a) of Claims 145-147 and 191-193

(1) The Examiner's Argument

In support of the rejections of claims 145-147 and 191-193 under 35 USC 103(a) as being unpatentable over Barnett, the examiner states that:

Claim 145, 146, 147, 191-193: Barnett discloses the method, system according to claim 102, 148. Barnett further discloses that coupons can be issued to entice a first time customer (col 1, lines 50-55), that a consumer use of coupons can be tracked and the coupons sent to the user can be varied in response to this tracking (col 12, lines 50-63), and that the value of a coupon can be varied depending on the demographics and usage habits of a user (col 13, lines 24-35).

Barnett further discloses that the purchases made by the user utilizing a coupon can be tracked (col 12, lines 30-36), that the coupon redemption at time of purchase patterns over time can be tracked (col 12, lines 61-64), and that the customer's buying habits in general can be tracked (col 13, lines 27-32).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that Barnett can vary the value of a coupon to entice a first time customer or that a coupon can be varied based on time since a customer's last purchase. One would have been motivated to do this so that a customer will try a product for the first time and possibly then become a regular user or so that an idle customer can be enticed to make a purchase (col 1, lines 53-55). [Office action mailed July 22, 2003 page 14 lines 5-19.]

Column 1 lines 50-55 in Barnett states that:

The notion of issuing product redemption coupons to consumers was an innovative idea to entice consumers to try new products in the hope that, after the first try of a new product at a coupon discounted price, they would become repeat customers at the regular price. Coupons are effective tools used in launching new products. [Barnett at column 1 lines 50-55.]

Column 12 lines 50-63 in Barnett states that:

Thus, the analysis means generates a number of differing coupon data packages for transmittal to the online service provider 2. The analysis means also provides specific mapping information which will instruct the online service provider as to which user should be provided with which package(s). For example, user 1 may be mapped to coupon data packages 2 and 3; user no. 2 to packages 3 and 6, etc. This mapping function may be carried out by the coupon distributor and provided to the online service provider at regular intervals, e.g. once per week. Thus, the coupon selection, printing and redemption habits may be analyzed over a time period and used to determine the subsequent targeted packages. [Barnett at column 12 lines 50-63.]

Column 13 lines 24-35 in Barnett states that:

The amount of redemption discount included with a coupon downloaded to a user may be varied depending on certain demographic information that the system has about the user. For instance, the system may provide a certain value for known users of a brand (which information it will obtain by demographic inquiry or through previous redemptions in the system), and it may provide a higher discount in order to provide an incentive to users of a competitive brand. The ability to vary the value of a discount offer in accordance with such demographic and usage data is a unique advantage offered by the system of the present invention and heretofore unavailable in the prior art. [Barnett at column 13 lines 24-35.]

In reply, the applicants respectfully submit that these rejections should be reversed because they are not supported by either substantial evidence or proper legal conclusions.

(2) Dependency on Allowable Claims

Claims 145-147 depend from independent claim 102. Claims 191-193 depend from independent claim 148. Therefore, these rejections are improper and should be reversed for at least the reasons given above for claims 102 and 148.

(3) Claims 145 and 191 - Depending a Value of an Incentive Offer Provided at a Kiosk Upon Whether a Customer Received a Prior Incentive

The applicants respectfully submit that the rejections of claims 145 and 191 under 35 USC 103(a) should be reversed because they are not supported by either substantial evidence or proper legal conclusions. Claims 145 and 191 define depending a value of an incentive offer provided at a kiosk upon whether a customer received a prior incentive. However, the examiner did not specify which teachings of Barnett correspond to the limitations of claims 145 and 191. Therefore, there is no *prima facie* rejection of claims 145 and 191. Therefore, the rejections should be reversed.

Moreover, there is no teaching or suggestion in the cited disclosure of Barnett that enables the claimed depending a value of an incentive offer provided at a kiosk upon whether a customer received a prior incentive. Therefore, the inventions defined by claims 145 and 191 would not have been obvious to one of ordinary skill in the art in view of Barnett. Therefore, the rejections of claims 145 and 191 are improper and should be reversed.

(4) Claims 146 and 192 - A Value that Increases if a Prior Incentive Offer to a Customer was not Accepted

Claims 146 and 192 define a value that increases if a prior incentive offer to a customer was not accepted.

The examiner asserted that column 13 lines 24-35 in Barnett discloses a value that increases if a prior incentive offer to a customer was not accepted. Office action mailed July 22, 2003 page 31 lines 19-23. That assertion is incorrect. Barnett at column 13 lines 24-35 does not disclose a value that increases if a prior incentive offer to a customer was not accepted. Column 13 lines 24-35 in Barnett states that:

The amount of redemption discount included with a coupon downloaded to a user may be varied depending on certain demographic information that the system has about the user. For instance, the system may provide a certain value for known users of a brand (which information it will obtain by demographic inquiry or through previous redemptions in the system), and it may provide (sic) a higher discount in order to provide an incentive to users of a competitive brand. The ability to vary the value of a discount offer in accordance with such demographic and usage data is a unique advantage offered by the system of the present invention and heretofore unavailable in the prior art.

The examiner also asserted that column 12 lines 6-14 in Barnett discloses a value that increases if a prior incentive offer to a customer was not accepted. Office action mailed July 22, 2003 page 32 lines 12-20. That assertion is incorrect. Barnett at column 12 lines 6-14 does not disclose a value that increases if a prior incentive offer to a customer was not accepted. Column 12 lines 6-14 in Barnett states that:

The coupon management program also can vary the redemption value of any coupon already downloaded to the user's computer 6 without the need for specific user interaction. A coupon variation routine 32f is called which aids in this task. Again, any time that a user initiates a download of coupon data, the on-line service provider 2 can update redemption amounts for coupons whose issuers have decided to change the discount amount.

The coupon redemption discount or value disclosed in the cited passages is not based on whether a prior incentive offer was not accepted or on the length of time since a customer's last purchase. Therefore, the cited passage does not disclose a value that increases if a prior incentive offer to a customer was not accepted. Therefore, the inventions defined by claims 146 and 192 would not have been obvious to one of ordinary skill in the art in view of Barnett. Therefore, the

rejections of claims 146 and 192 are improper and should be reversed.

The examiner also asserted that column 12 lines 59-63 in Barnett discloses a value that increases if a prior incentive offer to a customer was not accepted. Office action mailed July 22, 2003 page 32 lines 21-24. That assertion is incorrect. Barnett at column 12 lines 59-63 does not disclose a value that increases if a prior incentive offer to a customer was not accepted. Column 12 lines 59-63 in Barnett states that:

Thus, the coupon selection, printing and redemption habits may be analyzed over a time period and used to determine the subsequent targeted packages.

The coupon production and analysis characteristics disclosed in the cited passages do not address varying the value of coupons depending upon the prior use of a coupon by a user. Therefore, the cited passage does not disclose a value that increases if a prior incentive offer to a customer was not accepted. Therefore, the inventions defined by claims 146 and 192 would not have been obvious to one of ordinary skill in the art in view of Barnett. Therefore, the rejections of claims 146 and 192 are improper and should be reversed.

(5) Claims 147 and 193 - Incentive Criteria Depend Upon Time Since a Customer's Last Purchase

Claims 147 and 193 define incentive criteria depend upon time since a customer's last purchase.

The examiner asserted that column 13 lines 17-20 in Barnett discloses that the claimed incentive criteria depend upon time since a customer's last purchase. Office action mailed July 22, 2003 page 32 lines 25-28. That assertion is incorrect. Barnett at column 13 lines 17-20 does not disclose that the claimed incentive criteria depend upon time since a customer's last purchase. Column 13 lines 17-20 in Barnett states that:

The availability of the coupon could be time-sensitive, which would provide further incentive to the user to use the system in a prompt and efficient manner.

The examiner also asserted that column 14 lines 58-60 in Barnett discloses that the claimed incentive criteria depend upon time since a customer's last purchase. Office action mailed July 22, 2003 page 32 lines 29-31. That assertion is incorrect. Barnett at column 14 lines 58-60 does not disclose that the claimed incentive criteria depend upon time since a customer's

last purchase. Column 14 lines 58-60 in Barnett states that:

The method of claim 1 wherein the user profile comprises prior coupon usage data associated with the user.

The two disclosures in Barnett refer to limiting the availability of a coupon to motivate the user to use the system promptly. They do not address varying the value of coupons depending upon the prior use of a coupon by a user or by the amount of time elapsed of the use of a coupon. Therefore, the cited passages do not disclose or suggest that the incentive criteria depend upon time since a customer's last purchase. Therefore, the inventions defined by claims 147 and 193 would not have been obvious to one of ordinary skill in the art in view of Barnett. Therefore, the rejections of claims 147 and 193 are improper and should be reversed.

5. 37 CFR 1.192(c)(8)(v) - Other Rejections

There are no other rejections. Therefore, this subsection is inapplicable.

I. 37 CFR 1.192(c)(9) - Appendix

Appendix I contains a clean copy of claims 102-211 under appeal.

IV. Groupings of Claims

The claims do not all stand or fall together. Each claim defines a separate group for at least the following reasons. Each claim defines a different set of limitations. Each such limitation defines a different reason why that claim is not anticipated by Barnett.

A. Group 1 - Claims 102, 118, 148, 164, 194, 195, 200-202, and 206

The rejections of claims 102, 118, 148, 164, 194, 195, 200-202, and 206 should be reversed because Barnett does not disclose "transmitting a customer's identification from a kiosk to a computer," Barnett does not disclose a "computer in communication with at least one database (1) containing incentive offer criteria associated with an identification of a product," Barnett does not disclose inputting comprising reading a product identification, and Barnett does not disclose or suggest using a kiosk.

B. Group 2 - Claims 196-199

The rejections of claims 196-199 should be reversed because Barnett does not disclose a "computer in communication with at least one database (1) containing incentive offer criteria associated with an identification of a product."

C. Group 3 - Claim 210

The rejection of claim 210 should be reversed because Barnett does not disclose “means for sending information from the customized offer list to at least one check-out, means for presenting customized special offers to customers.”

D. Group 4 - Claim 211

The rejection of claim 211 should be reversed because Barnett does not teach or suggest a supervisory computer.

E. Group 5 - Claims 103 and 149

The rejections of claims 103 and 149 should be reversed because Barnett does not disclose a kiosk located near a retail store. Since claim 103 depends from independent claim 102 and claim 149 depends from independent claim 148, the rejections should be reversed for at least the reasons given above for claims 102 and 148.

F. Group 6 - Claims 104 and 150

The rejections of claims 104 and 150 should be reversed because Barnett does not disclose a kiosk located in a retail store. Since claim 104 depends from independent claim 102 and claim 150 depends from independent claim 148, the rejections should be reversed for at least the reasons given above for claims 102 and 148.

G. Group 7 - Claims 105 and 151

The rejections of claims 105 and 151 should be reversed because Barnett does not disclose a kiosk located near the entrance of a retail store. Since claim 105 depends from independent claim 102 and claim 151 depends from independent claim 148, the rejections should be reversed for at least the reasons given above for claims 102 and 148.

H. Group 8 - Claims 106 and 152

The rejections of claims 106 and 152 should be reversed because Barnett does not disclose at least one additional kiosk. Since claim 106 depends from independent claim 102 and claim 152 depends from independent claim 148, the rejections should be reversed for at least the reasons given above for claims 102 and 148.

I. Group 9 - Claims 107 and 153

The rejections of claims 107 and 153 should be reversed because Barnett does not

disclose a kiosk with a booth or housing. Since claim 107 depends from independent claim 102 and claim 153 depends from independent claim 148, the rejections should be reversed for at least the reasons given above for claims 102 and 148.

J. Group 10 - Claims 108 and 154

The rejections of claims 108 and 154 should be reversed because Barnett does not disclose reading a customer identification into a customer interface of a kiosk. Since claim 108 depends from independent claim 102 and claim 154 depends from independent claim 148, the rejections should be reversed for at least the reasons given above for claims 102 and 148.

K. Group 11 - Claims 109 and 155

The rejections of claims 109 and 155 should be reversed because Barnett does not disclose a dumb terminal and interactive terminal. Since claim 109 depends from independent claim 102 and claim 155 depends from independent claim 148, the rejections should be reversed for at least the reasons given above for claims 102 and 148.

L. Group 12 - Claims 110 and 156

The rejections of claims 110 and 156 should be reversed because Barnett does not disclose a touch screen interface. Since claim 110 depends from independent claim 102 and claim 156 depends from independent claim 148, the rejections should be reversed for at least the reasons given above for claims 102 and 148.

M. Group 13 - Claims 111 and 157

The rejections of claims 111 and 157 should be reversed because Barnett does not disclose printing at a kiosk. Since claim 111 depends from independent claim 102 and claim 157 depends from independent claim 148, the rejections should be reversed for at least the reasons given above for claims 102 and 148.

N. Group 14 - Claims 112 and 158

The rejections of claims 112 and 158 should be reversed because Barnett does not disclose using a thermal printer. Since claim 112 depends from independent claim 111 and claim 158 depends from independent claim 157, the rejections should be reversed for at least the reasons given above for claims 111 and 157.

O. Group 15 - Claims 113 and 159

The rejections of claims 113 and 159 should be reversed because Barnett does not disclose using a printer that prints 500 lines per minute. Since claim 106 depends from independent claim 102 and claim 152 depends from independent claim 148, the rejections should be reversed for at least the reasons given above for claims 102 and 148.

P. Group 16 - Claims 114 and 160

The rejections of claims 114 and 160 should be reversed because Barnett does not disclose transmitting identification of a product from a kiosk to a computer. Since claim 106 depends from independent claim 102 and claim 152 depends from independent claim 148, the rejections should be reversed for at least the reasons given above for claims 102 and 148.

Q. Group 17 - Claims 115 and 161

The rejections of claims 115 and 161 should be reversed because Barnett does not disclose transmitting an identification of a product from a kiosk to a computer, where the computer is in communication with a database containing price data in association with product identification, and transmitting the product's price data from the computer to the kiosk and displaying a product's price data at a kiosk. Since claim 106 depends from independent claim 114 and claim 152 depends from independent claim 160, the rejections should be reversed for at least the reasons given above for claims 114 and 160.

R. Group 18 - Claims 116 and 162

The rejections of claims 116 and 162 should be reversed because Barnett does not disclose or suggest a POS terminal spaced apart from a kiosk. Since claim 116 depends from independent claim 102 and claim 162 depends from independent claim 148, the rejections should be reversed for at least the reasons given above for claims 102 and 148.

S. Group 19 - Claims 117 and 163

The rejections of claims 117 and 163 should be reversed because Barnett does not disclose reading a customer identification at a POS terminal. Since claim 117 depends from independent claim 102 and claim 163 depends from independent claim 148, the rejections should be reversed for at least the reasons given above for claims 102 and 148.

T. Group 20 - Claims 119 and 165

The rejections of claims 119 and 165 should be reversed because Barnett does not disclose a store level computer and transmitting incentive offer criteria from a supervisory computer to the store computer. Since claim 119 depends from independent claim 102 and claim 165 depends from independent claim 148, the rejections should be reversed for at least the reasons given above for claims 102 and 148.

U. Group 21 - Claims 120 and 166

The rejections of claims 120 and 166 should be reversed because Barnett does not disclose displaying at a kiosk a list of incentive offers for products associated with incentive offer criteria satisfied by a customer's customer shopping habit data. Since claim 120 depends from independent claim 102 and claim 166 depends from independent claim 148, the rejections should be reversed for at least the reasons given above for claims 102 and 148.

V. Group 22 - Claims 121 and 167

The rejections of claims 121 and 167 should be reversed because Barnett does not disclose displaying at a kiosk a list of all incentive offers for products associated with incentive offer criteria satisfied by a customer's customer shopping habit data. Since claim 121 depends from independent claim 102 and claim 167 depends from independent claim 148, the rejections should be reversed for at least the reasons given above for claims 102 and 148.

W. Group 23 - Claims 122 and 168

The rejections of claims 122 and 168 should be reversed because Barnett does not disclose displaying at a kiosk a list of incentive offers for products (1) associated with incentive offer criteria satisfied by a customer's customer shopping habit data and (2) that meet criteria independent of a customer's shopping habit data. Since claim 122 depends from independent claim 102 and claim 168 depends from independent claim 148, the rejections should be reversed for at least the reasons given above for claims 102 and 148.

X. Group 24 - Claims 123 and 169

The rejections of claims 123 and 169 should be reversed because Barnett does not disclose setting a time limit to an incentive offer. Since claim 123 depends from independent claim 102 and claim 169 depends from independent claim 148, the rejections should be reversed

for at least the reasons given above for claims 102 and 148.

Y. Group 25 - Claims 124 and 170

The rejections of claims 124 and 170 should be reversed because Barnett does not disclose setting a time limit on the order of a few hours. Since claim 124 depends from independent claim 123 and claim 170 depends from independent claim 169, the rejections should be reversed for at least the reasons given above for claims 123 and 169.

Z. Group 26 - Claims 125 and 171

The rejections of claims 125 and 171 should be reversed because Barnett does not disclose setting a time limit of about three hours. Since claim 125 depends from independent claim 123 and claim 171 depends from independent claim 169, the rejections should be reversed for at least the reasons given above for claims 123 and 169.

AA. Group 27 - Claims 126 and 172

The rejections of claims 126 and 172 should be reversed because Barnett does not disclose determining incentive offers for a customer based upon product stock availability. Since claim 126 depends from independent claim 102 and claim 172 depends from independent claim 148, the rejections should be reversed for at least the reasons given above for claims 102 and 148.

AB. Group 28 - Claims 127 and 173

The rejections of claims 127 and 173 should be reversed because Barnett does not disclose determining incentive offers for a customer based upon a quantity of a customer's customer shopping habit data associated with a customer's customer identification stored in a database. Since claim 127 depends from independent claim 102 and claim 173 depends from independent claim 148, the rejections should be reversed for at least the reasons given above for claims 102 and 148.

AC. Group 29 - Claims 128 and 174

The rejections of claims 128 and 174 should be reversed because Barnett does not disclose limiting a number of incentive offers communicated to a kiosk for a customer to a predetermined number. Since claim 128 depends from independent claim 102 and claim 174 depends from independent claim 148, the rejections should be reversed for at least the reasons

given above for claims 102 and 148.

AD. Group 30 - Claims 129 and 175

The rejections of claims 129 and 175 should be reversed because Barnett does not disclose displaying at a kiosk for a customer (1) broadcast special offers and (2) offers that depend upon whether a customer's customer shopping habit data meets an incentive offer criteria. Since claim 129 depends from independent claim 102 and claim 175 depends from independent claim 148, the rejections should be reversed for at least the reasons given above for claims 102 and 148.

AE. Group 31 - Claims 130 and 176

The rejections of claims 130 and 176 should be reversed because Barnett does not disclose displaying at a kiosk for said customer broadcast special offers to a customer only if less than a predetermined quantity of customer shopping habit data associated with a customer identification is stored in a database. Since claim 130 depends from independent claim 102 and claim 176 depends from independent claim 148, the rejections should be reversed for at least the reasons given above for claims 102 and 148.

AF. Group 32 - Claims 131 and 177

The rejections of claims 131 and 177 should be reversed because Barnett does not disclose determining a number of product incentive offers for which a customer's shopping habit data satisfies an incentive offer criteria, ranking a product incentive offer for which a customer's shopping habit data satisfies an incentive offer criteria, and displaying, based upon the ranking, a predetermined number of the ranked incentive offers at the kiosk to the customer. Since claim 131 depends from independent claim 102 and claim 177 depends from independent claim 148, the rejections should be reversed for at least the reasons given above for claims 102 and 148.

AG. Group 33 - Claims 132, 178, 203, and 207

The rejections of claims 132, 178, 203, and 207 should be reversed because Barnett does not disclose ranking depending upon the value of an incentive. Since claim 132 depends from independent claim 131 and claim 178 depends from independent claim 177, the rejections should be reversed for at least the reasons given above for claims 131 and 177. Since claim 203 depends from independent claim 202 and claim 207 depends from independent claim 206, the rejections

should be reversed for at least the reasons given above for claims 202 and 206.

AH. Group 34 - Claims 133, 179, 204, and 208

The rejections of claims 133, 179, 204, and 208 should be reversed because Barnett does not disclose ranking depending upon price of a product. Since claim 133 depends from independent claim 131 and claim 179 depends from independent claim 177, the rejections should be reversed for at least the reasons given above for claims 131 and 177. Since claim 204 depends from independent claim 202 and claim 208 depends from independent claim 206, the rejections should be reversed for at least the reasons given above for claims 202 and 206.

AI. Group 35 - Claims 134, 180, 205, and 209

The rejections of claims 134, 180, 205, and 209 should be reversed because Barnett does not disclose ranking depending upon a stock condition. Since claim 134 depends from independent claim 131 and claim 180 depends from independent claim 177, the rejections should be reversed for at least the reasons given above for claims 131 and 177. Since claim 205 depends from independent claim 202 and claim 209 depends from independent claim 206, the rejections should be reversed for at least the reasons given above for claims 202 and 206.

AJ. Group 36 - Claims 135 and 181

The rejections of claims 135 and 181 should be reversed because Barnett does not disclose determining a number of product incentive offers for which a customer's shopping habit data satisfies an incentive offer criteria, providing at a kiosk a first predetermined number of incentive offers to the customer, and providing at the kiosk a second predetermined number of broadcast incentive offers to the customer. Since claim 135 depends from independent claim 102 and claim 181 depends from independent claim 148, the rejections should be reversed for at least the reasons given above for claims 102 and 148.

AK. Group 37 - Claims 136 and 182

The rejections of claims 136 and 182 should be reversed because Barnett does not disclose downloading to a POS terminal a list containing identifications of all products for which incentive offer criteria associated with an identification of a product are stored in a database. Since claim 136 depends from independent claim 102 and claim 182 depends from independent claim 148, the rejections should be reversed for at least the reasons given above for claims 102

and 148.

AL. Group 38 - Claims 137 and 183

The rejections of claims 137 and 183 should be reversed because Barnett does not disclose downloading to a POS terminal a list containing identifications of all products for which incentive offers are available to a customer. Since claim 137 depends from independent claim 102 and claim 183 depends from independent claim 148, the rejections should be reversed for at least the reasons given above for claims 102 and 148.

AM. Group 39 - Claims 138 and 184

The rejections of claims 138 and 184 should be reversed because Barnett does not disclose customer shopping habit data comprising incentive receipt data for a customer's receipt of incentives. Since claim 138 depends from independent claim 102 and claim 184 depends from independent claim 148, the rejections should be reversed for at least the reasons given above for claims 102 and 148.

AN. Group 40 - Claims 139 and 185

The rejections of claims 139 and 185 should be reversed because Barnett does not disclose customer shopping habit data comprising a quantity of incentive offers for a product provided to a customer. Since claim 139 depends from independent claim 102 and claim 185 depends from independent claim 148, the rejections should be reversed for at least the reasons given above for claims 102 and 148.

AO. Group 41 - Claims 140 and 186

The rejections of claims 140 and 186 should be reversed because Barnett does not disclose customer shopping habit data associated with an indication of a household associated with a customer. Since claim 140 depends from independent claim 102 and claim 186 depends from independent claim 148, the rejections should be reversed for at least the reasons given above for claims 102 and 148.

AP. Group 42 - Claims 141 and 187

The rejections of claims 141 and 187 should be reversed because Barnett does not disclose providing the customer means to opt out of having incentive offer criteria being based upon household identification. Since claim 141 depends from independent claim 102 and claim

187 depends from independent claim 148, the rejections should be reversed for at least the reasons given above for claims 102 and 148.

AQ. Group 43 - Claims 142 and 188

The rejections of claims 142 and 188 should be reversed because Barnett does not disclose incentive offer criteria associated with an identification of a product comprising a time after which said incentive offer is no longer available. Since claim 142 depends from independent claim 102 and claim 188 depends from independent claim 148, the rejections should be reversed for at least the reasons given above for claims 102 and 148.

AR. Group 44 - Claims 143 and 189

The rejections of claims 143 and 189 should be reversed because Barnett does not disclose classifying products by category and manufacturer, and limiting incentive offers for products in a category to one manufacturer. Since claim 143 depends from independent claim 102 and claim 189 depends from independent claim 148, the rejections should be reversed for at least the reasons given above for claims 102 and 148.

AS. Group 45 - Claims 144 and 190

The rejections of claims 144 and 190 should be reversed because Barnett does not disclose transmitting a customer's store identification from a kiosk to a computer, wherein a computer is a first store computer, determining that a store identification identifies a second store; and querying a second store level computer for a second store for customer shopping habit data associated with the customer identification. Since claim 144 depends from independent claim 102 and claim 190 depends from independent claim 148, the rejections should be reversed for at least the reasons given above for claims 102 and 148.

AT. Group 46 - Claims 145 and 191

The rejections of claims 145 and 191 should be reversed because Barnett does not disclose depending a value of an incentive offer provided at a kiosk upon whether a customer received a prior incentive. Since claim 145 depends from independent claim 102 and claim 191 depends from independent claim 148, the rejections should be reversed for at least the reasons given above for claims 102 and 148.

AU. Group 47 - Claims 146 and 192

The rejections of claims 146 and 192 should be reversed because Barnett does not disclose a value that increases if a prior incentive offer to a customer was not accepted. Since claim 146 depends from independent claim 145 and claim 192 depends from independent claim 191, the rejections should be reversed for at least the reasons given above for claims 145 and 191.

AV. Group 48 - Claims 147 and 193

The rejections of claims 147 and 193 should be reversed because Barnett does not disclose incentive criteria depending upon the time since a customer's last purchase. Since claim 147 depends from independent claim 102 and claim 193 depends from independent claim 148, the rejections should be reversed for at least the reasons given above for claims 102 and 148.

V. 37 CFR 1.192(d) - Non-compliant Brief

This brief is in compliance with 37 CFR 1.192(c). Accordingly, this subsection is inapplicable.

VI. Closure

Should the examiner have any questions, he is urged to contact the undersigned at 703-415-0012.

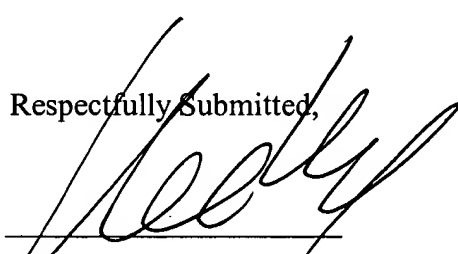
12/19/03

Date

31518

PATENT TRADEMARK OFFICE

Respectfully Submitted,


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Printed: November 17, 2003 (12:18pm)

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VII. Appendix I - 37 CFR 1.192(c)(9) Claims Under Appeal

102. A computer implemented method comprising the steps of:

transmitting a customer's customer identification from a kiosk to a computer, said computer in communication with at least one database (1) containing incentive offer criteria associated with an identification of a product and (2) containing customer shopping habit data associated with said customer identification;

determining incentive offer criteria satisfied by said customer's customer shopping habit data;

communicating to said kiosk an incentive offer for said product associated with said incentive offer criteria satisfied by said customer's customer shopping habit data;

inputting at a POS terminal of a retail store a customer identification in association with an identification of an item of a product being purchased by said customer; and

providing said incentive to said customer when said customer purchases said product at said POS terminal.

103. The method according to claim 102 wherein said kiosk is located near said retail store.

104. The method according to claim 102 wherein said kiosk is located in said retail store.

105. The method according to claim 102 wherein said kiosk is located near an entrance of said retail store.

106. The method according to claim 102 further comprising the step of locating at least one additional kiosk away from an entrance of said retail store.

107. The method according to claim 102 wherein said kiosk comprises a booth or housing.

108. The method according to claim 102 further comprising the step of reading said customer identification into a customer interface of said kiosk.

109. The method according to claim 108 wherein said customer interface comprises a member of the set of a dumb terminal and an interactive terminal.

110. The method according to claim 108 wherein said customer interface comprises a touch screen interface.

111. The method according to claim 102 wherein said step of communicating to said kiosk an incentive offer for said product comprises printing said incentive offer.

112. The method according to claim 111 wherein said step of printing comprises thermal printing using a thermal printer.

113. The method according to claim 111 wherein said step of printing comprises printing at a rate of at least 500 lines per minute.

114. The method according to claim 102 further comprising the steps of:

transmitting an identification of a product from said kiosk to said computer, wherein said computer is in communication with a database containing price data in association with product identification; and

transmitting said product's price data from said computer to said kiosk.

115. The method according to claim 114 further comprising the step of displaying said product's price data at said kiosk.

116. The method according to claim 102 wherein said POS terminal is spaced apart from said kiosk.

117. The method according to claim 102 wherein said step of inputting comprises reading said customer identification at said POS terminal.

118. The method according to claim 102 wherein said step of inputting comprises reading an identification of said product.

119. The method according to claim 102 wherein said computer is a store level computer and further comprising the step of transmitting incentive offer criteria from a supervisory computer to said store computer.

120. The method according to claim 102 further comprising the step of displaying at said kiosk a list of incentive offers for products associated with incentive offer criteria satisfied by said customer's customer shopping habit data.

121. The method according to claim 102 further comprising the step of displaying at said kiosk a list of all incentive offers for products associated with incentive offer criteria satisfied by said customer's customer shopping habit data.

122. The method according to claim 102 further comprising the step of displaying at said kiosk a list of incentive offers for products (1) associated with incentive offer criteria satisfied by said customer's customer shopping habit data and (2) that meet criteria independent of said

customer's shopping habit data.

123. The method according to claim 102 further comprising the step of setting a time limit to said incentive offer.

124. The method according to claim 123 wherein said time limit is on the order of a few hours.

125. The method according to claim 123 wherein said time limit is about 3 hours.

126. The method according to claim 102 further comprising the step of determining incentive offers for said customer based upon product stock availability.

127. The method according to claim 102 further comprising determining incentive offers for said customer based upon a quantity of said customer's customer shopping habit data associated with said customer's customer identification stored in said database.

128. The method according to claim 102 further comprising limiting a number of incentive offers communicated to said kiosk for said customer to a predetermined number.

129. The method according to claim 102 further comprising displaying at said kiosk for said customer (1) broadcast special offers and (2) offers that depend upon whether said customer's customer shopping habit data meets said incentive offer criteria.

130. The method according to claim 102 further comprising displaying at said kiosk for said customer broadcast special offers to said customer only if less than a predetermined quantity of customer shopping habit data associated with said customer identification is stored in said database.

131. The method according to claim 102 further comprising the steps of:

determining a number of product incentive offers for which said customer's shopping habit data satisfies said incentive offer criteria;

ranking said product incentive offers for which said customer's shopping habit data satisfies said incentive offer criteria;

displaying, based upon said ranking, a predetermined number of the ranked incentive offers at said kiosk to said customer.

132. The method according to claim 131 wherein said ranking depends upon value of said incentive.

133. The method according to claim 131 wherein said ranking depends upon price of said

product.

134. The method according to claim 131 wherein said ranking depends upon a stock condition.

135. The method according to claim 102 further comprising the steps of:

determining a number of product incentive offers for which said customer's shopping habit data satisfies said incentive offer criteria;

providing at said kiosk a first predetermined number of said incentive offers to said customer; and

providing at said kiosk a second predetermined number of broadcast incentive offers to said customer.

136. The method according to claim 102 further comprising the step of downloading to said POS terminal a list containing identifications of all products for which incentive offer criteria associated with an identification of a product are stored in said database.

137. The method according to claim 102 further comprising the step of downloading to said POS terminal a list containing identifications of all products for which incentive offers are available to said customer.

138. The method according to claim 102 wherein said customer shopping habit data comprises incentive receipt data for said customer's receipt of incentives.

139. The method according to claim 102 wherein said customer shopping habit data comprises a quantity of incentive offers for a product provided to said customer.

140. The method according to claim 102 wherein said customer shopping habit data is associated with an indication of a household associated with said customer.

141. The method according to claim 140 further comprising the step of providing the customer means to opt out of having incentive offer criteria being based upon household identification.

142. The method according to claim 102 wherein said incentive offer criteria associated with an identification of a product comprises a time after which said incentive offer is no longer available.

143. The method according to claim 102 further comprising the steps of classifying products by category and manufacturer; and

limiting incentive offers for products in a category to one manufacturer.

144. The method according to claim 102 further comprising the steps of:
transmitting a customer's store identification from said kiosk to said computer, wherein said computer is a first store computer;
determining that said store identification identifies a second store; and
querying a second store level computer for said second store for customer shopping habit data associated with said customer identification.
145. The method according to claim 102 further comprising the step of depending a value of an incentive offer provided at said kiosk upon whether said customer received a prior incentive.
146. The method according to claim 145 wherein said value is increased if a prior incentive offer to said customer was not accepted.
147. The method according to claim 102 wherein said incentive criteria depend upon time since a customer's last purchase.
148. A system comprising:
means for transmitting a customer's customer identification from a kiosk to a computer, said computer in communication with at least one database (1) containing incentive offer criteria associated with an identification of a product and (2) containing customer shopping habit data associated with said customer identification;
means for determining incentive offer criteria satisfied by said customer's customer shopping habit data;
means for communicating to said kiosk an incentive offer for said product associated with said incentive offer criteria satisfied by said customer's customer shopping habit data;
means for inputting at a POS terminal of a retail store a customer identification in association with an identification of an item of a product being purchased by said customer; and
means for providing said incentive to said customer when said customer purchases said product at said POS terminal.
149. The system according to claim 148 wherein said kiosk is located near said retail store.
150. The system according to claim 148 wherein said kiosk is located in said retail store.
151. The system according to claim 148 wherein said kiosk is located near an entrance of said retail store.

152. The system according to claim 148 further comprising at least one additional kiosk located away from an entrance of said retail store.
153. The system according to claim 148 wherein said kiosk comprises a booth or housing.
154. The system to claim 148 further comprising means for reading said customer identification into a customer interface of said kiosk.
155. The system according to claim 154 wherein said customer interface comprises a member of the set of a dumb terminal and an interactive terminal.
156. The system according to claim 154 wherein said customer interface comprises a touch screen interface.
157. The system according to claim 148 wherein said means for communicating to said kiosk an incentive offer for said product comprises means for printing said incentive offer.
158. The system according to claim 157 wherein said means for printing comprises means for thermal printing using a thermal printer
159. The system according to claim 157 wherein said means for printing comprises means for printing at a rate of at least 500 lines per minute.
160. The system according to claim 148 further comprising:
- means for transmitting an identification of a product from said kiosk to said computer, wherein said computer is in communication with a database containing price data in association with product identification; and
 - means for transmitting said product's price data from said computer to said kiosk.
161. The system according to claim 160 further comprising means for displaying said product's price data at said kiosk.
162. The system according to claim 148 wherein said POS terminal is spaced apart from said kiosk.
163. The system according to claim 148 wherein said means for inputting comprises means for reading said customer identification at said POS terminal.
164. The system according to claim 148 wherein said means for inputting comprises means for reading an identification of said product.
165. The system according to claim 148 wherein said computer is a store level computer and

further comprising means for transmitting incentive criteria from a supervisory computer to said store level computer.

166. The system according to claim 148 further comprising means for displaying at said kiosk a list of incentive offers for products associated with incentive criteria satisfied by said customer's customer shopping habit data.

167. The system according to claim 148 further comprising means for displaying at said kiosk a list of all incentive offers for products associated with incentive offer criteria satisfied by said customer's customer shopping habit data.

168. The system according to claim 148 further comprising means for providing at said kiosk a list of all incentive offers for products (1) associated with incentive offer criteria satisfied by said customer's customer shopping habit data and (2) that meet criteria independent of said customer's shopping habit data.

169. The system according to claim 148 further comprising means for setting a time limit to said incentive offer.

170. The system according to claim 169 wherein said time limit is on the order of a few hours.

171. The system according to claim 169 wherein said time limit is about 3 hours.

172. The system according to claim 148 further comprising means for determining incentive offers for said customer based upon product stock availability.

173. The system according to claim 148 further comprising means for determining incentive offers for said customer based upon a quantity of said customer's customer shopping habit data associated with said customer's customer identification stored in said database.

174. The system according to claim 148 further comprising means for limiting a number of incentive offers communicated to said kiosk for said customer to a predetermined number.

175. The system according to claim 148 further comprising means for displaying at said kiosk for said customer (1) broadcast special offers and (2) offers that depend upon said customer's customer shopping habit data meeting said incentive offer criteria.

176. The system according to claim 148 further comprising means for providing broadcast special offers to said customer only if a predetermined quantity of customer shopping habit data associated with said customer identification is stored in said database storing customer shopping

habit data.

177. The system according to claim 148 further comprising:

means for determining a number of product incentive offers for which said customer's customer shopping habit data satisfies said incentive criteria;

means for ranking said product incentive offers for which said customer's customer shopping history criteria satisfies said incentive criteria;

means for displaying, based upon said ranking, a predetermined number of the ranked incentive offers at said kiosk to said customer.

178. The system according to claim 177 wherein said ranking depends upon value of said incentive.

179. The system according to claim 177 wherein said ranking depends upon price of said product.

180. The system according to claim 177 wherein said ranking depends upon a stock condition.

181. The system according to claim 148 further comprising:

means for determining a number of product incentive offers for which said customer's shopping habit data satisfies said incentive criteria;

means for providing at said kiosk a first predetermined number of said incentive offers to said customer; and

means for providing at said kiosk a second predetermined number of broadcast incentive offers to said customer.

182. The system according to claim 148 further comprising means for downloading to said POS terminal a list containing identifications of all products for which incentive offer criteria associated with an identification of a product are stored in said database.

183. The system according to claim 148 further comprising means for downloading to said POS terminal a list containing identifications of all products for which incentive offers are available to said customer.

184. The system according to claim 148 wherein said customer shopping habit data comprises incentive receipt data for said customer's receipt of incentives.

185. The system according to claim 148 wherein said customer shopping habit data comprises a

quantity of incentive offers for a product provided to said customer.

186. The system according to claim 148 wherein said customer shopping habit data is associated with an indication of a household associated with said customer.

187. The system according to claim 186 further comprising means for providing the customer means to opt out of having incentive offer criteria being based upon household identification.

188. The system according to claim 148 wherein said incentive offer criteria associated with an identification of a product comprises a time after which said incentive offer is no longer available.

189. The system according to claim 148 further comprising:

means for classifying products by category and manufacturer; and

means for limiting incentive offers for products in a category to one manufacturer.

190. The system according to claim 148 further comprising:

means for transmitting a customer's store identification from said kiosk to said computer, wherein said computer is a first store computer;

means for determining that said store identification identifies a second store; and

means for querying a second store level computer for said second store for customer shopping habit data associated with said customer identification.

191. The system according to claim 148 further comprising means for depending a value of an incentive offer provided at said kiosk upon whether said customer received a prior incentive.

192. The system according to claim 191 wherein said value is increased if a prior incentive offer to said customer was not accepted.

193. The system according to claim 148 wherein said incentive criteria depend upon time since a customer's last purchase.

194. A computer implemented method comprising the steps of:

transmitting a customer's customer identification from a kiosk to a computer, said computer in communication with at least one database (1) containing incentive offer criteria associated with an identification of a product and (2) containing customer shopping habit data associated with said customer's customer identification;

determining incentive offer criteria satisfied by (1) said customer's customer shopping

habit data and (2) product stock availability data;

communicating to said kiosk an incentive offer for said product associated with said incentive criteria satisfied by said customer's customer shopping habit data and product stock availability data; and

providing said incentive to said customer at a POS terminal when said customer purchases said product.

195. A system comprising:

means for transmitting a customer's customer identification from a kiosk to a computer, said computer in communication with at least one database (1) containing incentive offer criteria associated with an identification of a product and (2) containing customer shopping habit data associated with said customer's customer identification;

means for determining incentive offer criteria satisfied by (1) said customer's customer shopping habit data and (2) product stock availability data;

means for communicating to said kiosk an incentive offer for said product associated with said incentive offer criteria satisfied by said customer's customer shopping habit data and product stock availability data; and

means for providing the incentive defined by said incentive offer to said customer at a POS terminal when said customer purchases said product.

196. A computer implemented method comprising the steps of:

transmitting incentive offer criteria associated with an identification of a product from a supervisory computer to a store level computer for a store, said store level computer in communication with at least one database (1) for storing said incentive offer criteria associated with an identification of a product and (2) containing customer shopping habit data associated with said stores customers' customer identifications;

determining a determination at said store level computer if said incentive offer criteria is satisfied by a customer's customer shopping habit data; and

depending upon said determination, providing said incentive to said customer at a POS terminal of said store when said customer purchases said product.

197. A system comprising:

means for transmitting incentive offer criteria associated with an identification of a product from a supervisory computer to a store level computer for a store, said store level computer in communication with at least one database (1) for storing said incentive offer criteria associated with an identification of a product and (2) containing customer shopping habit data associated with said store's customers' customer identifications;

means for determining a determination at said store level computer if said incentive offer criteria is satisfied by a customer's customer shopping habit data; and

means for, depending upon said determination, providing said incentive to said customer at a POS terminal of said store when said customer purchases said product.

198. A computer implemented method comprising the steps of:

storing in one or more databases incentive offer criteria associated with an identification of a product and customer shopping habit data associated with a customer's customer identification;

wherein said incentive offer criteria includes a quantity of said customer's customer shopping habit data associated with said customer's customer identification;

determining a determination if incentive offer criteria associated with said identification of said product is satisfied by said customer's customer shopping habit data; and

depending upon said determination, providing to said customer said incentive at a POS terminal of said store when said customer purchases said product.

199. A system comprising:

means for storing in one or more databases incentive offer criteria associated with an identification of a product and customer shopping habit data associated with a customer's customer identification;

wherein said incentive offer criteria includes a quantity of said customer's customer shopping habit data associated with said customer's customer identification;

means for determining a determination if incentive criteria associated with said identification of said product is satisfied by said customer's customer shopping habit data; and

means for, depending upon said determination, providing to said customer said incentive at a POS terminal of said store when said customer purchases said product.

200. A computer implemented method comprising the steps of:

transmitting a customer's customer identification from a kiosk to a computer, said computer in communication with at least one database (1) containing incentive offer criteria associated with an identification of a product and (2) containing customer shopping habit data associated with said customer identification;

determining incentive offer criteria satisfied by said customer's customer shopping habit data;

communicating to said kiosk an incentive offer for said product associated with said incentive offer criteria satisfied by said customer's customer shopping habit data; and

communicating broadcast special offers to said kiosk and only if less than a predetermined quantity of customer shopping habit data associated with said customer identification is stored in said database storing customer shopping habit data.

201. A system comprising:

means for transmitting a customer identification from a kiosk to a computer, said computer in communication with at least one database (1) containing incentive offer criteria associated with an identification of a product and (2) containing customer shopping habit data associated with said customer identification;

means for determining incentive offer criteria satisfied by said customer's customer shopping habit data;

means for communicating to said kiosk an incentive offer for said product whose identification is associated with said incentive offer criteria satisfied by said customer's customer shopping habit data; and

means for communicating broadcast special offers to said kiosk only if less than a predetermined quantity of customer shopping habit data associated with said customer identification is stored in said database storing customer shopping habit data.

202. A computer implemented method comprising the steps of:

transmitting a customer's customer identification from a kiosk to a computer, said computer in communication with at least one database (1) containing incentive offer criteria associated with an identification of a product and (2) containing customer shopping habit data associated with said customer's customer identification;

ranking said product incentive offers for which said customer's shopping history criteria satisfies said incentive offer criteria;

displaying, based upon said ranking, only a predetermined number of the ranked incentive offers at said kiosk, according to the ranking of the incentive offers.

203. The method according to claim 202 wherein said ranking depends upon values of incentives defined by said incentive offers.

204. The method according to claim 202 wherein said ranking depends upon prices of products associated with said incentive offers.

205. The method according to claim 202 wherein said ranking depends upon a stock condition.

206. A system comprising:

means for transmitting a customer identification from a kiosk to a computer, said computer in communication with at least one database (1) containing incentive offer criteria associated with an identification of a product and (2) containing customer shopping habit data associated with said customer's customer identification;

means for ranking said product incentive offers for which said customer's shopping habit data satisfies said incentive offer criteria; and

means for displaying only a predetermined number of the ranked incentive offers to said customer, depending upon the ranking of the incentive offers.

207. The system according to claim 206 wherein said ranking depends upon values of the incentives defined by the incentive offers.

208. The system according to claim 206 wherein said ranking depends upon prices of said products associated with said incentive offers.

209. The system according to claim 206 wherein said ranking depends upon a stock condition.

210. A system for presenting customized special offers to customers, the special offers including targeted offers to a customer selected from a plurality of customers, and for collecting purchasing behavior information concerning the customers, the system comprising:

at least one computer,

means for sending information from the customized offer list to at least one check-out,

means for presenting customized special offers to customers, wherein said special offers

include targeted offers to a customer selected from a plurality of consumers,
and means for collecting purchasing behavior.

211. A system for presenting special offers to customers of a chain of stores, the special offers including customized targeted offers for specified customers, the system comprising:

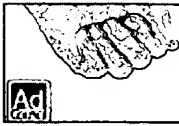
a supervisory computer,
store level computers,
said supervisory computer networked to said store level computers, wherein said
supervisory computer periodically downloads special offers to said store level computers,
means for generating a customized list of special offer available to a particular customer,
means for presenting special offers to customers of a chain of stores.

Printed: November 17, 2003 (12:18pm)

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Attachment 1

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Home
Suggestions

WR Search Box for
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See Also:

Kinnock
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Kinshasa
kinship
kinsman
kiosk
Kioto
kip
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Kipling
kippa
kipper
kipper

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kiosk ['ki:ɒsk]

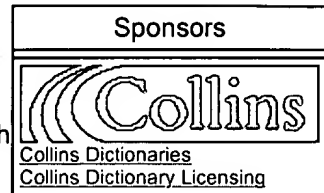
noun

- 1 a small sometimes movable booth from which cigarettes, newspapers, light refreshments, etc., are sold
 - 2 (*Chiefly Brit*) a telephone box
 - 3 (*Chiefly U.S.*) a thick post on which advertisements are posted
 - 4 (in Turkey, Iran, etc., esp. formerly) a light open-sided pavilion
- [ETYMOLOGY: 17th Century: from French *kiosque* bandstand, from Turkish *kösk*, from Persian *kushk* pavilion]

kiosk:

in French
in German
in Italian
in Spanish

(symbols)



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	Other languages: